

201204235

William Schumacher

Two individuals approached PO Schumacher on the street to say that they had been the victims of a robbery. PO Schumacher put the call out over the radio, and other officers responded. Responding officers canvased the area, and another officer apprehended the robbery suspect. Meanwhile, PO Schumacher entered a nearby building where another officer believed a suspect had fled. According to PO Schumacher, when he knocked on one apartment in the building, he heard a man say from behind the door, “They found me, I don’t know what to do,” after which a young girl opened the door, and PO Schumacher arrested the resident. According to the man in the apartment, PO Schumacher broke the door open, punched him, and arrested him while he was watching television. The man was brought to the robbery victims, who confirmed he was not the person who robbed them.

Ten other officers who were on or near the scene were interviewed, and none could corroborate any part of PO Schumacher’s story other than the fact that he had brought someone out of the building whom the victims stated was not the suspect. Other officers had already been in the building where PO Schumacher arrested the victim and had left before he went in. No officer confirmed anyone made a statement from inside an apartment suggesting he had been “found.”

The CCRB substantiated allegations of improper apartment entry and excessive force against PO Schumacher and found he made a false statement in his CCRB interview. The NYPD conducted an administrative trial, where he was found guilty; as punishment, he forfeited ten vacation days.

The NYPD did not punish PO Schumacher for the false statement and the CCRB allegations are listed only as “other misconduct” in a letter from the district attorney.

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Angel Rendon	Team: Team # 1	CCRB Case #: 201204235	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S. <input type="checkbox"/> O.L. <input checked="" type="checkbox"/> Injury
Incident Date(s) Mon, 04/02/2012 5:00 PM	Location of Incident: [REDACTED]		Precinct: 75	18 Mo. SOL 10/02/2013	EO SOL 10/2/2013
Date/Time CV Reported Mon, 04/02/2012 6:27 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 04/02/2012 6:27 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM William Schumacher	04618	§ 87(2)(b)	075 PCT
2. POM Hassan Raza	09198	§ 87(2)(b)	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Matthew Zappia	04152	§ 87(2)(b)	075 PCT
2. POM Jason Egnaczyk	20279	§ 87(2)(b)	075 PCT
3. POM Anthony Giretti	03825	§ 87(2)(b)	075 PCT
4. POM Daniel Barreto	29988	§ 87(2)(b)	075 PCT
5. POM Scott Mustapich	09957	§ 87(2)(b)	075 PCT
6. POM Scott Smath	02019	§ 87(2)(b)	075 PCT
7. SGT Kevin Beslity	01692	§ 87(2)(b)	075 PCT
8. POM Patrick Marron	04873	§ 87(2)(b)	075 PCT
9. POM Frederick Manney	22317	§ 87(2)(b)	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Hassan Raza	Other: PO Hassan Raza intentionally made a false official statement in violation of Patrol Guide Procedure 203-08.	A . § 87(2)(g) [REDACTED]
B . POM William Schumacher	Abuse of Authority: PO William Schumacher entered § 87(2)(b) [REDACTED] in Brooklyn.	B . § 87(2)(g) [REDACTED]
C . POM Hassan Raza	Force: PO Hassan Raza pointed his gun at § 87(2)(b) [REDACTED].	C . § 87(2)(g) [REDACTED]
D . POM William Schumacher	Force: PO William Schumacher used physical force against § 87(2)(b) [REDACTED].	D . § 87(2)(g) [REDACTED]

Officer(s)	Allegation	Investigator Recommendation
E . POM William Schumacher	Abuse of Authority: PO William Schumacher detained § 87(2)(b) [REDACTED].	E . § 87(2)(g) [REDACTED]
F . POM William Schumacher	Other: PO William Schumacher intentionally made a false official statement in violation of Patrol Guide Procedure 203 -08.	F . § 87(2)(g) [REDACTED]

Case Summary

On April 2, 2012, § 87(2)(b) filed the following complaint on behalf of himself and his son, § 87(2)(b) Jr., who was three years old at the time, using the Call Processing System (encl. 4a-4c). On April 3, 2012, § 87(2)(b) called the IAB Command Center and filed a duplicate complaint (encl. 5a).

On April 2, 2012, at approximately 5:00 p.m., § 87(2)(b) was detained in regard to a robbery investigation. The following allegations resulted.

Allegation A – Abuse of Authority: PO William Schumacher entered § 87(2)(b) in Brooklyn.

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

Allegation B – Force: PO Hassan Raza pointed his gun at § 87(2)(b)

§ 87(2)(g)

[REDACTED]

[REDACTED]

Allegation C – Force: PO William Schumacher used physical force against § 87(2)(b)

§ 87(2)(g)

[REDACTED]

[REDACTED]

Allegation D – Abuse of Authority: PO William Schumacher detained § 87(2)(b)

§ 87(2)(g)

[REDACTED]

[REDACTED]

Allegation E – Other Misconduct: PO William Schumacher intentionally made a false official statement in violation of Patrol Guide Procedure 203-08.

Allegation F – Other Misconduct: PO Hassan Raza intentionally made a false official statement in violation of Patrol Guide Procedure 203-08.

§ 87(2)(g)

[REDACTED]

[REDACTED]

Results of Investigation

Civilian Statements (encl. 6a-9a):

Complainant/Victim: § 87(2)(b)

- § 87(2)(b)
- § 87(2)(b)

Statements to Medical Providers:

On § 87(2)(b), § 87(2)(b) sought medical treatment at § 87(2)(b). § 87(2)(b) informed medical providers that he was assaulted by the NYPD on April 2, 2012. § 87(2)(b) stated that he was suffering from neck pain, back pain, a bruised right knee, and a laceration to the right side of his upper lip.

CCRB Statement (encl. 4a-4c, 5b-6aaa):

On April 2, 2012, § 87(2)(b) provided a statement using the Call Processing System (encl. 4a-4c). On April 9, 2012, § 87(2)(b) provided a statement over the phone (encl. 5b). On May 24, 2012, § 87(2)(b) was interviewed at the CCRB (encl. 6b-6d). On July 10, 2012, § 87(2)(b) provided a statement in a 50-H hearing (encl. 6e-6ww). § 87(2)(g)

On May 24, 2012, § 87(2)(b) was inside his apartment, located at § 87(2)(b) in Brooklyn, with his two children, lying in bed and watching television. The building has three floors, with two apartments on each floor. § 87(2)(b) his girlfriend, § 87(2)(b) and his two children, one aged five and the other aged two, live at the residence. § 87(2)(b) had been indoors all day with his children. § 87(2)(b) was out and the apartment door was locked. The door had one key-lock and a "slam-lock" on, which is a button near the locking mechanism that locks the door automatically without having to use a key-lock. A security chain was also in place at this time.

At approximately 5:00 p.m., § 87(2)(b) heard loud banging on the door to his apartment and shouting, "I know you're in there! Open up!" In his 50-H hearing testimony, § 87(2)(b), § 87(2)(a) Gen.Mun. § 50-H(3)

In his phone statement, § 87(2)(b) explained that he panicked and called his landlord who told him to open the door.

The door was then kicked open and PO Hassan Raza (identified by the investigation and described as an Asian or Middle Eastern male of tan complexion, who stood 5'8", had a slim build, was in his mid-30s, wore glasses, and was dressed in uniform) stood outside the apartment door with his firearm pointed outward in front of him. § 87(2)(b)'s son, § 87(2)(b) Jr. ran past the doorway and PO Raza tracked the child with his firearm. When § 87(2)(b) first saw PO Raza, he raised his hands in the air.

PO William Schumacher (identified by the investigation and described as a white male, who stood 5'3" to 5'5", had a slim build, was in his early 30s, and was dressed in uniform) entered the apartment, grabbed § 87(2)(b) and pulled him out into the hallway. A white male officer dressed in uniform was waiting in the hallway. In his phone statement, § 87(2)(b) stated that he walked out of his apartment, the two officers brought him to the ground, and a third officer may have been present in the hallway at this time. In his 50-H hearing testimony, § 87(2)(b), § 87(2)(a) Gen Mun. § 50-H(3)

The officers shouted orders at § 87(2)(b) to get on the ground. § 87(2)(b) went to the ground and lay face down. PO Raza holstered his firearm. § 87(2)(b) began repeatedly questioning what was happening and telling the officers that his children were alone inside the apartment. PO Raza approached § 87(2)(b) from behind, placed a knee into his lower back, grabbed his right hand, and began handcuffing it. § 87(2)(b) continued to protest and was twisting his body and head backwards to look at PO Raza. When asked if he was resisting the handcuffing process, § 87(2)(b) stated that he "could have been," but argued that if he was, it was minimal and a result of his confusion.

PO Schumacher approached § 87(2)(b) from his rear on his right side and punched § 87(2)(b) on the upper right side of his mouth once with his right fist. This blow caused § 87(2)(b)'s upper lip to bleed and swell. After PO Schumacher punched him, § 87(2)(b) stopped talking and moving. PO Raza then handcuffed § 87(2)(b). At this point, approximately one minute had transpired since the beginning of the incident.

PO Schumacher entered the apartment for one to two minutes and returned to the hallway. During that time, § 87(2)(b) remained in the hallway with PO Raza and the white male officer. In his 50-H hearing testimony, § 87(2)(b), § 87(2)(a) Gen.Mun. § 50-H(3)

An officer described as a Hispanic male of light complexion, who had a husky build, was dressed in uniform, and was referred to as a sergeant by other officers and § 87(2)(b). § 87(2)(b) approached. § 87(2)(b) did not recall who arrived first but stated they arrived around the same time. The Hispanic male officer told the officers that they had the wrong suspect. § 87(2)(b) asked to be released but was told that he would have to wait a little while longer. The officers began talking amongst themselves. § 87(2)(b) (identified by the investigation), a neighbor from Apt. § 87(2)(b) came into the hallway. A few minutes later, an unidentified female neighbor from Apt. § 87(2)(b) came upstairs as well. The unidentified neighbor attempted to reassure the officers that § 87(2)(b) was a resident of the apartment. Several minutes transpired while the officers spoke amongst themselves.

Finally, the officers brought § 87(2)(b) downstairs. One of the neighbors remained in his apartment with his children. Outside the building, § 87(2)(b) was walked past a marked patrol car, in the backseat of which two Asian male teens of dark complexion were seated. As § 87(2)(b) was walked past the patrol car, the teens shook their heads from side to side as if to say, "No," § 87(2)(b) surmised.

§ 87(2)(b) was walked farther down the street to a marked patrol van. § 87(2)(b)

§ 87(2)(b) was standing outside the van, in handcuffs. An officer asked § 87(2)(b) if he knew § 87(2)(b). § 87(2)(b) said that he did not. § 87(2)(b) did not know § 87(2)(b) either and had never seen him before. § 87(2)(b) asked the officers again to be released. The Hispanic male officer who was referred to as a sergeant by other officers approached a few moments later and § 87(2)(b) was released. Once § 87(2)(b) was released, PO Schumacher told § 87(2)(b) that he hoped he understood that he was only doing his job, or something to that effect. § 87(2)(b) said nothing and walked away.

§ 87(2)(b) pointed PO Schumacher out to § 87(2)(b) who was also outside the building, and asked her to get his information. § 87(2)(b) then went upstairs to his apartment. § 87(2)(b) was later handed a slip of paper that included PO Schumacher's name and badge number (4618) (encl. 10a). § 87(2)(b) informed § 87(2)(b) that PO Schumacher explained that a robbery suspect had fled into their building.

The "slam-lock" and the key lock to § 87(2)(b)'s door were damaged and had to be replaced. The security chain had popped out of place and was no longer operable. There were also visible dents near the door knob and the key-lock on the outside of the door, where § 87(2)(b) believed the door was kicked.

Witness: § 87(2)(b)
• § 87(2)(b)

CCRB Statement (encl. 7a-7b):

On July 18, 2013, § 87(2)(b) provided the following statement over the phone. § 87(2)(g)

On April 2, 2012, at some time in the afternoon, § 87(2)(b) heard the voice of a female shouting coming from somewhere downstairs inside her apartment building, § 87(2)(b). Then there was a knock on her door. § 87(2)(b) opened the door and saw PO Schumacher (identified by the investigation and described as a white male, who was young, and dressed in uniform) and PO Hassan Raza (identified by

the investigation and described as a Dominican or black male with a medium complexion, who was young, and dressed in uniform). The officers gave § 87(2)(b) a description of a male that included clothing and asked if she had let an individual fitting the description into her apartment. § 87(2)(b) did not recall the description. § 87(2)(b) said that she had not and the officers began knocking on the door to apartment § 87(2)(b) where § 87(2)(b) his wife, and § 87(2)(b) son and § 87(2)(b) daughter resided. § 87(2)(b) told the officers that they probably would not find anything there because the family kept to itself and did not associate with anyone.

PO Schumacher and PO Raza started banging on § 87(2)(b)'s door with their fists. § 87(2)(b) heard § 87(2)(b) inside the apartment, talking to someone on the phone, she surmised. § 87(2)(b) was saying, "I don't know what they want. I don't know why they keep bothering me. I don't know." § 87(2)(b) assumed that § 87(2)(b) was on the phone with his wife, who she later discovered was only about a block away at the time.

The officers continued banging on the door. They also told § 87(2)(b) to go back inside her apartment. § 87(2)(b) went back inside her apartment and shut her door but continued watching through the peephole. The officers continued banging on the door with their fists. § 87(2)(b) could hear § 87(2)(b) saying that the only people in the apartment were himself and his children. § 87(2)(b)'s own children became upset and agitated and she had to calm them down and tell them to go to their § 87(2)(b). § 87(2)(b) looked away from the peephole when she did this.

After about a minute and a half, § 87(2)(b) opened the door. Now, § 87(2)(b)'s apartment door was open, and § 87(2)(b) was in the hallway on the ground. PO Schumacher and PO Raza were handcuffing him. § 87(2)(b)'s § 87(2)(b)-old son was standing alongside this. § 87(2)(b) did not see how the door was opened or how § 87(2)(b) ended up outside on the ground.

As the officers tried to handcuff § 87(2)(b) he repeatedly said, "I didn't do anything," and tried to lift himself from the ground. § 87(2)(b) was not "fighting" the officers. PO Schumacher then struck § 87(2)(b) at least once in his face. § 87(2)(b) grabbed § 87(2)(b)'s § 87(2)(b) son and brought him into her apartment, turning her back as she did so, because she did not want the child to see his father get struck by the officers.

Either PO Schumacher or PO Raza, § 87(2)(b) was not sure which, asked aloud if "This guy is retarded or something?" The officers handcuffed § 87(2)(b) came out and tried to enter § 87(2)(b)'s apartment to check on his daughter. One of the officers, § 87(2)(b) was not sure which, tried to stop her. § 87(2)(b) explained that there was another child inside the apartment. § 87(2)(b) saw that the child was sleeping in a bedroom. § 87(2)(b) did not disturb her because the child's mother was already entering the hallway. An officer may have entered the apartment, § 87(2)(b) was unsure, but did not believe that an officer touched anything inside the apartment.

Shortly thereafter, the officers realized that § 87(2)(b) was innocent after being brought downstairs. § 87(2)(b) did not recall if § 87(2)(b) had visible injuries to his face or body, but specifically recalled that he was not bleeding. § 87(2)(b) stated that § 87(2)(b) did not seem to fit the description the officers had provided her at her door.

§ 87(2)(b) did not recall if the door to § 87(2)(b)'s apartment was damaged. The apartments in the building have front doors and back doors. § 87(2)(b) noticed that following this incident, § 87(2)(b)'s family used their back door because their front door was no longer working. § 87(2)(b) did not recall how long after the incident she noticed this change but knew that the family was always in the habit of

using the front door before this incident.

§ 87(2)(b) described her relationship with § 87(2)(b)'s family as one limited to greeting each other in passing. § 87(2)(b) did not socialize with them and, as she told PO Schumacher and PO Raza, her understanding was that the family did not socialize with people in the building or neighborhood.

Witness: § 87(2)(b)

- § 87(2)(b)

CCRB Statement (encl. 8a-8b):

On July 17, 2013 and August 2, 2013, § 87(2)(b) provided statements over the phone. § 87(2)(g)

When § 87(2)(b) called § 87(2)(b) on the phone, § 87(2)(b) could hear loud banging on the door in the background and voices shouting, "Open the door." § 87(2)(b) was telling § 87(2)(b) and the individuals banging on the door that his children were in the apartment and he did not know what the police wanted. § 87(2)(b) was also asking the individuals what they wanted. § 87(2)(b) told § 87(2)(b) to answer the door. After approximately one minute of this, § 87(2)(b) heard scuffling and sounds that led him to believe the phone fell from § 87(2)(b)'s hand. Sometime later, the call was disengaged. The entire call lasted one minute to one minute and a half. § 87(2)(b) never heard a specific noise that sounded like the breach of the apartment door.

The following day, at the very latest, § 87(2)(b) went to the apartment to look at the damage to § 87(2)(b)'s door. § 87(2)(b) learned from § 87(2)(b) that officers had followed a crime suspect into the building, breached the door, and detained § 87(2)(b) as a suspect. The officers also "roughed up" § 87(2)(b). § 87(2)(b) saw injuries to § 87(2)(b) whose appearance § 87(2)(b) described as "banged up," but § 87(2)(b) did not recall the specific injuries. § 87(2)(b) said it was possible that there was an injury to § 87(2)(b)'s face, but he was not certain, and did not recall what the injury might have been. The lock on the door was "destroyed." § 87(2)(b) contacted § 87(2)(b) who fixes locks for him in the building. § 87(2)(b) has used § 87(2)(b) numerous times to fix various locks inside the building. § 87(2)(b) was unsure of when § 87(2)(b) repaired the lock on the door.

Each of the three floors of § 87(2)(b) houses two apartments, for a total of six. Each apartment has two doors. One door leads to the living room and the other leads to a bedroom. All doors lead to the main hallway, with one door near the rear of the building and one near the front of building.

Witness: § 87(2)(b)

- § 87(2)(b)

CCRB Statement (encl. 9a):

On August 2, 2013, § 87(2)(b) provided the following statement over the phone during a conference call initiated by § 87(2)(b) § 87(2)(g)

After being reminded by § 87(2)(b) of an incident in which police officers broke down the apartment door of a young couple who lived on the third floor, § 87(2)(b) confirmed that he recalled fixing a lock on the door. § 87(2)(b) did not interject during § 87(2)(b)'s statement beyond this point. § 87(2)(b) recalled that it was a lock positioned at the rear of the third floor, on the left after leaving the stairwell. § 87(2)(b) replaced a "bent" spindle on the door. § 87(2)(b) explained that the spindle is the "stick that

goes through the door that the knobs screw onto." As far as § 87(2)(b) recalled, the spindle was the only damaged part, otherwise he would have fixed other parts. § 87(2)(b) did not recall seeing any dents on the door. If § 87(2)(b) documented any work associated with this repair, it would have been inside a work shed that was destroyed during Hurricane Sandy.

Civilians Not Interviewed

Although § 87(2)(b) filed a version of this complaint (encl. 5a) and provided a phone statement (encl. 10b), she was not a witness to the substantive events or any allegations.

Attempts to Contact Civilians

§ 87(2)(b) the witness listed on the UF-61 Complaint Report for the robbery, declined to provide a statement to the investigation on August 7, 2013. Between July 19, 2013 and the date of this report, contact attempts were made to the phone numbers and addresses listed for § 87(2)(b) the crime victim listed on the UF-61 Complaint Report for the robbery. Further contact attempts were made to phone numbers and addresses found via LexisNexis for § 87(2)(b). As of the date of this report, the investigation has not succeeded in contacting § 87(2)(b) and he has not contacted the CCRB.

NYPD Statements (encl. 11a-21e):

Subject Officer: PO WILLIAM SCHUMACHER

- *PO Schumacher is a § 87(2)(b) white male, who stands 5'8", weighs 175 lbs., and has brown hair and hazel eyes.*
- *On April 2, 2012, PO Schumacher worked from 1:30 p.m. to 2:05 a.m. and was assigned to 75th Precinct Impact foot pos § 87(2)(b). PO Schumacher was working alone, dressed in uniform, and on foot.*

Memo Book (encl. 11a-11b):

At 4:45 p.m., there was a radio run for a 10-30 (robbery in progress). The complainant/victim of the robbery, § 87(2)(b) was put in a patrol car for a canvass. At 5:00 p.m., the complainant/victim pointed out the perpetrators. A foot pursuit led into § 87(2)(b) § 87(2)(b) Knocked on door of § 87(2)(b) and an individual inside refused to come out, stating, "They found me. I don't know what to do." When individual opened the door, he fit the description of the 10-30/foot pursuit. Individual was brought out at gun point (complainant/victim had stated that the perpetrator had a gun). While attempting to cuff individual, he refused to comply or be rear-cuffed and was taken to the ground. A show-up was conducted with negative results. The individual stated he had no injuries and was released. At 5:05 p.m., a UF250 was prepared in regards to § 87(2)(b) Address: § 87(2)(b) DOB: § 87(2)(b), for robbery. Perpetrator was in handcuffs, had a firearm pointed at him, and hands placed on him and was taken to the ground when he refused to comply. At 5:15 p.m., one individual was placed under arrest in regards to the 10-30 radio run. The second perpetrator, § 87(2)(b) DOB: § 87(2)(b), Address: § 87(2)(b), was apprehended on the corner of § 87(2)(b). A show-up was conducted with positive results. At 5:30 p.m., PO Schumacher returned to the 84th Precinct stationhouse with his prisoner.

UF-61 Complaint Report #§ 87(2)(b) (encl. 11c-11f):

PO Schumacher prepared the above-referenced document, which noted that at approximately 4:45 p.m. on the date of this incident, two unknown perpetrators robbed a victim, struck him in the face, and threatened to shoot him. No firearm was displayed. One perpetrator, § 87(2)(b) § 87(2)(b) was arrested and the other remained at large.

Stop, Question, and Frisk Report #§ 87(2)(b) (encl. 11g-11h):

PO Schumacher prepared the above-referenced document, which notes the following. At approximately 5:00 p.m. on the date of the incident, § 87(2)(b) was stopped for a period of ten minutes in regards to a robbery. The circumstances that led to the stop included: fits description, furtive movements, actions indicative of engaging in violent crimes, and refusal to comply with officer's directions. The following forms of physical force were used: drawing firearm, pointing firearm at suspect, hands on suspect, suspect on ground, and handcuffing suspect. The force was used because the suspect was reaching for a suspected weapon and to overcome resistance. § 87(2)(b) was frisked on the basis of furtive movements, refusal to comply with officer's directions, violent crime suspected, and fit description of armed robber. § 87(2)(b) was not searched and no weapons or contraband were found on him. PO Schumacher noted the following additional circumstances/factors: report from victim/witness, area has a high incidence of reported offense, time of day, day of week, season corresponding to reports of criminal activity, proximity to crime location, evasive, false or inconsistent response to officer's questions, ongoing investigation, and sights and sounds of criminal activity.

OLBS Arrest Report # § 87(2)(b) **(encl. 11i-11k):**

The above-referenced arrest report was prepared for the arrest of § 87(2)(b) by PO Schumacher § 87(2)(g) The arrest report notes that § 87(2)(b)

29
[REDACTED]

CCRB Statement (encl. 11l-11o):

On February 14, 2013, PO Schumacher was interviewed at the CCRB. At approximately 4:45 p.m., PO Schumacher heard a radio run for a 911 report of a robbery that took place inside a park approximately two blocks north of PO Schumacher's foot post at § 87(2)(b). Just minutes after the radio run, PO Schumacher was approached by the victims of the robbery, a male and his girlfriend, who were on foot at this time. The male stated that he had gone to the park with his girlfriend, where she gave him his birthday gift. They were approached by a heavyset Hispanic male and a thin Hispanic male, who was wearing a white tee shirt. The men took the male victim's cell phone and glasses and five dollars from the female victim. The men then told the victims, "If you tell the police, I'll shoot you." The victims did not report seeing a firearm. The physical descriptions of the robbers were told to PO Schumacher in person; he did not recall if they were also relayed over the radio.

PO Schumacher used his radio to report that he was with the victims of the robbery at § 87(2)(b) § 87(2)(b). A marked patrol car responded to the location. PO Schumacher did not recall who the officers assigned to this marked patrol car were, but they were identified by the investigation as PO Hassan Raza and PO Scott Mustapich. PO Schumacher entered the patrol car with the victims. They drove to § 87(2)(b), which was approximately eight to nine blocks away, because one of the victims stated that he had seen one of the perpetrators at that intersection in the past. Approximately five minutes later, they arrived at the intersection. PO Schumacher saw another marked patrol car at the location. PO Schumacher did not recall which officers were assigned to this vehicle, but they were identified by the investigation as SGT Kevin Besly, PO Frederick Manney, and PO Scott Smath. SGT Besly and PO Manney exited that patrol car and chased two individuals, one a heavyset Hispanic male, who tried to hide behind a parked car, and another, a Hispanic male in a white tee shirt, who fled into § 87(2)(b). The individual who hid behind the car was stopped outside, later identified as § 87(2)(b) § 87(2)(b) arrested, and charged as one of the perpetrators of this robbery.

PO Schumacher and the officers inside the patrol car with the victims exited their patrol car and followed the other officers, trailing by approximately two seconds, into § 87(2)(b). Approximately four officers entered the building together behind the fleeing suspect. While approaching the third and last floor, PO Schumacher heard a door shut. On the third floor there were anywhere between two and four apartments and a door to the roof. PO Schumacher knocked on an apartment door, at random. A woman answered and invited him to look inside her apartment. PO Schumacher did so with negative results. PO Schumacher knocked on the door across the hall, § 87(2)(b). While PO Schumacher did this, the other officers continued with the vertical patrol to the roof. Additional officers were also entering the building at this time and climbing the stairs.

After knocking on the door to § 87(2)(b), PO Schumacher heard a voice inside say, "They found me. It's the police. I'm not coming out." PO Schumacher said, "It's the police. Open the door. I just want to talk to you." PO Schumacher intentionally made no mention of the robbery because he did not want a person who he believed to be a robbery suspect to be aware that he was about to be apprehended. PO Schumacher made repeat requests that the individual open the door. PO Schumacher also tried the door knob but the door was locked. After approximately two to three minutes, the door unlocked from the inside and was opened by a small female child, approximately two to five years of age. The door was opened approximately one foot wide. Through the opening, PO Schumacher saw a Hispanic male, who was wearing a white shirt, and looked like the individual who he had seen fleeing into the building. PO Schumacher believed that this individual, subsequently identified as § 87(2)(b) was one of the robbery perpetrators. § 87(2)(b) was crying and holding a landline phone in one of his hands. The apartment was dark and § 87(2)(b)'s other hand was not visible.

PO Schumacher ordered § 87(2)(b) out of the apartment and told him to show both hands. § 87(2)(b) continued to hold the phone and did not comply with the order to come out. PO Schumacher drew his firearm and pointed it at § 87(2)(b). PO Schumacher pointed his firearm at § 87(2)(b) based on the robbery victim's statement that the perpetrators had threatened to shoot them, the darkness of the apartment as well as his inability to see § 87(2)(b)'s other hand, and § 87(2)(b)'s failure to comply immediately with the instructions given to him.

Finally, § 87(2)(b) put the phone down and stepped out of the apartment with both hands up, which were empty. PO Schumacher directed § 87(2)(b) to get on the floor multiple times. § 87(2)(b) did not comply with the orders, instead asking "What did I do? What did I do?" PO Schumacher issued several additional orders that § 87(2)(b) get on the floor. PO Schumacher was unsure if any officers were behind him backing him up at this point or if the officers were still scattered throughout the building. With his free hand, PO Schumacher grabbed § 87(2)(b) by the shoulder and pulled him downward toward the floor. § 87(2)(b) went down. PO Schumacher holstered his firearm and pressed a knee into § 87(2)(b)'s back to use his weight to prevent him from standing. § 87(2)(b) was trying to stand and pulling his hands away, which PO Schumacher and another officer, whose identity PO Schumacher did not recall, grabbed and pulled into handcuffs by overpowering § 87(2)(b)'s attempts to pull his hands away. No force aside from grabbing and pulling at § 87(2)(b)'s arms was used by any officer, except by PO Schumacher, who placed his knee on § 87(2)(b)'s back. No officer punched § 87(2)(b) in his face.

Once § 87(2)(b) was handcuffed, PO Schumacher entered the apartment, which opened into a living room, to determine if there were any other "obvious threats" inside the apartment. To the left, there was a hallway that led to a bedroom at the end. PO Schumacher walked down the hallway and looked inside the bedroom (the door was already open). There was another two to five year old child sleeping inside the room. PO Schumacher returned to the front door, where he tried to calm the other child, who was now crying. PO Schumacher smelled an odor of marijuana in the apartment but saw none in plain view. PO

Schumacher did not touch anything inside the apartment or open any doors. No officer ever attempted to force entry through the front door nor was there any damage to the lock.

PO Schumacher left the apartment and brought § 87(2)(b) downstairs and outside in handcuffs. PO Schumacher brought § 87(2)(b) to the patrol car but the victims stated that § 87(2)(b) was not the other robbery perpetrator. At some point after handcuffing and before the show-up, PO Schumacher was certain that § 87(2)(b) was frisked, but he did not recall by who. § 87(2)(b) was never searched. After negative results for the show-up, PO Schumacher removed § 87(2)(b)'s handcuffs. PO Schumacher asked why § 87(2)(b) was saying what he said before the apartment door was opened and why he was noncompliant. § 87(2)(b) explained that a week or two prior a warrant had been executed in his home for drugs and he had been caught smoking marijuana. § 87(2)(b) feared that the same thing was happening when PO Schumacher knocked on the door. PO Schumacher asked § 87(2)(b) if he had any injuries or needed an ambulance. PO Schumacher saw no visible injuries to § 87(2)(b) and § 87(2)(b) stated that he did not need medical attention. § 87(2)(b) was free to go; he was in custody for approximately ten minutes. As far as PO Schumacher knew, the second robbery perpetrator was never arrested. PO Schumacher did not recall what if any supervisors responded to the incident.

PO Schumacher reviewed the Stop, Question, and Frisk Report that he prepared for this incident. PO Schumacher noted that the furtive movements he checked off under circumstances that led to the stop referred to § 87(2)(b)'s initial refusal to show his other hand. PO Schumacher checked off actions indicative of engaging in violent crimes because § 87(2)(b) was suspected of robbery, which is a violent crime. Under reason for force used, PO Schumacher checked off reaching for suspected weapon due to § 87(2)(b)'s initial refusal to reveal his other hand and his first-hand knowledge from the robbery victims that the perpetrators had threatened to shoot them.

Subject Officer: PO HASSAN RAZA

- *PO Raza is a § 87(2)(b) Asian male with a dark complexion, who stands 5'11", weighs 175 lbs., wears glasses, and has black hair and brown eyes.*
- *On April 2, 2012, PO Raza worked from 1:30 p.m. to 10:05 p.m. and was assigned to 75th Precinct patrol sectors H and I. PO Raza was partnered with PO Scott Mustapich, dressed in uniform, and assigned marked patrol car #§ 87(2). PO Mustapich was driving and PO Raza was the sole passenger.*

Memo Book (encl. 12a-12b):

At 4:40 p.m., PO Raza went out on patrol. At 4:40 p.m., PO Raza went on a canvass with an officer assigned to foot post § 87(2) and a complainant/victim of a crime in regards to a 10-32 job at § 87(2)(b) § 87(2). At 5:15 p.m., the canvass yielded positive results in regards to the above entry. PO Raza transported the complainant/victim of the crime to the 75th Precinct stationhouse.

CCRB Statement (encl. 12c-12d):

On May 29, 2013, PO Raza was interviewed at the CCRB. § 87(2)(g)

While on patrol, PO Raza and PO Mustapich heard a radio run put over the radio by PO William Schumacher. PO Raza and PO Mustapich drove approximately two blocks to PO Schumacher's location and put PO Schumacher and the victim of the robbery in their patrol car. Inside the patrol car, PO Schumacher obtained additional details from the victim, including "very accurate," detailed physical descriptions of what was either two or three perpetrators. PO Schumacher relayed this information over the radio. PO Raza and PO Schumacher began a canvass, and several other units did so as well. PO Raza did not recall the physical descriptions provided nor did he recall what other units were also canvassing.

PO Raza learned from listening to the victim's statement that he was walking home from school with his girlfriend when they were approached from behind by the perpetrators. The victim was robbed of his cell phone. PO Raza did not recall if any threats were issued to the victim, including any threats referencing a firearm.

PO Raza and PO Mustapich were requested at § 87(2)(b) by two uniformed officers assigned to a marked van (This was all that PO Raza recalled about them or their assignment.) One male, identified by the investigation as § 87(2)(b) § 87(2)(b) was stopped at the location by the officers from the marked van. PO Raza did not recall this man's physical appearance or clothing. PO Schumacher exited the vehicle and approached. PO Raza parked at an angle where the robbery victim could see the suspect. The robbery victim positively identified § 87(2)(b) as one of the perpetrators. PO Raza did not see if PO Schumacher went elsewhere or remained at this location, or what he did, if anything, beyond this point.

PO Raza was made aware by other officers that the second person who was stopped at this location had fled down the block into a building on § 87(2)(b) and another street that PO Raza did not recall. By the time PO Raza arrived with the robbery victims, this second person had already fled inside the building. PO Raza did not see which officers pursued the suspect into the building, nor did he see this second suspect. PO Raza believed that he remained with the robbery victim and PO Mustapich at the corner of § 87(2)(b), because the robbery victim could not be left alone in the patrol car, and the robbery victim was their responsibility at the time. The robbery victim remained inside the patrol car the entire time. PO Raza thought that a suspect was eventually brought out of the building, but he did not recall if a second show-up ever took place, nor did he recall any involvement in a second show-up if it did take place. The man who was positively identified at § 87(2)(b) § 87(2)(b) was handcuffed and placed in the marked van. PO Raza and PO Mustapich then transported the robbery victim to the 75th Precinct stationhouse. When asked if he ever entered the building where officers pursued a second suspect, PO Raza answered, "Not that I remember." PO Raza was shown a photo of § 87(2)(b) but he did not recognize him or recall an interaction with him.

Witness Officer: PO SCOTT MUSTAPICH

- *PO Mustapich is a § 87(2)(b) white male, who stands 5'11", weighs 180 lbs., and has brown hair and green eyes.*
- *On April 2, 2012, PO Mustapich worked from 1:30 p.m. to 12:25 a.m. and was assigned to a 75th Precinct conditions unit. PO Mustapich was partnered with PO Hassan Raza, dressed in uniform, and assigned marked patrol car #§ 87(2)(b)*

Memo Book (encl. 13a-13d):

At 4:40 p.m., PO Mustapich was on a canvass with the officer assigned to foot post § 87(2)(b) and a crime victim in the patrol car in regards to a radio run for a 10-32 at § 87(2)(b). At 5:15 p.m., there were positive results on the canvass. The crime victim was transported to the 75th Precinct stationhouse.

CCRB Statement (encl. 13e-13f):

On May 31, 2013, PO Mustapich was interviewed at the CCRB. § 87(2)(g)
§ 87(2)(b)

PO Mustapich and PO Raza responded to § 87(2)(b). PO Mustapich did not recall what information, if any, the victim of the robbery provided while inside the patrol car. The officers conducted a show-up at that time with positive results and that individual was placed under arrest. PO Mustapich did not recall if PO Raza or PO Schumacher exited the vehicle. While at § 87(2)(b), PO Mustapich saw some officers enter a building across the street, but he did not know why, did not recall who they were, and did not recall if PO Schumacher or PO Raza were among them. PO Mustapich never entered the building because he remained with the victim of the robbery the entire time.

PO Mustapich did not recall if a second show-up was conducted. PO Mustapich then transported the robbery victim to the 75th Precinct stationhouse. PO Mustapich did not recall if PO Raza accompanied him for this. PO Mustapich did not recall whether a supervisor was present, or who transported the arrested individual, or what the arrested individual looked like. PO Mustapich did not recall seeing a marked patrol van at the location. PO Mustapich was shown the Stop, Question, and Frisk Report prepared for § 87(2)(b) and a photo of § 87(2)(b) and given details surrounding the incident, but he recalled nothing further.

Witness Officer: PO FREDERICK MANNEY

- *PO Manney is a § 87(2)(b) white male, who stands 6'0", weighs 190 lbs., and has brown hair and green eyes.*
- *On April 2, 2012, PO Manney worked from 10:00 a.m. to 10:35 p.m. and, along with PO Scott Smath, was assigned as SGT Kevin Beslity's operator. PO Manney was dressed in uniform and assigned marked patrol van #§ 87(2)(b).*

Memo Book (encl. 14a-14d):

At 4:50 p.m., there was a radio run for 10-32 at § 87(2)(b). At 5:10 p.m., PO Manney responded to § 87(2)(b). Upon arriving at § 87(2)(b), one male who fit a description was stopped. A second male fitting a description threw a cell phone into a trash can and ran into § 87(2)(b). Upon entering § 87(2)(b), PO Manney heard a door on the third floor close. PO Manney waited for back-up. SGT Beslity knocked on two doors on the third floor but no one answered. PO Manney and SGT Beslity left § 87(2)(b).

CCRB Statement (encl. 14e-14g):

On August 8, 2013, PO Manney was interviewed at the CCRB. § 87(2)(g)

On April 2, 2012, PO Manney and PO Smath were assigned to Impact patrol in a marked van with SGT Beslity. PO Smath was driving, SGT Beslity was seated in the front passenger seat, and PO Manney was seated behind them. At approximately 4:50 p.m., while on routine patrol, they heard a radio transmission from PO William Schumacher for a pick-up job of a larceny on § 87(2)(b). The radio transmission included two physical descriptions of suspects, a description of the stolen property, and a direction of flight. At the time of his interview, PO Manney only recalled that one suspect was described as a male wearing a green hat and a black jacket and the other suspect was described as a male. The stolen property included a cell phone and possibly other belongings. PO Manney did not recall the direction of flight, but after approximately twenty minutes, they ended up on § 87(2)(b). PO Manney acknowledged that his memo book entries incorrectly noted § 87(2)(b) instead of § 87(2)(b). During the twenty minutes, PO Manney did not recall hearing any additional radio transmissions with new information.

At § 87(2)(b), PO Manney observed a Hispanic male with a light complexion, who had a thin build, medium length hair, and was dressed in “all gray” clothing at a distance of 20 to 25 feet. PO Manney recalled that he believed this individual fit the second physical description. PO Manney then suggested that the physical description he did not recall matched this person’s appearance, but clarified that he was not stating that he independently recalled the specifics of the second physical description that PO Schumacher originally provided, only that he did recall believing that this individual fit it at the time of the incident. PO Manney and this individual made eye contact for a few seconds. PO Manney opened the door of the marked van. The individual then threw a cell phone into a trash can and began running. PO Manney gave chase, at a distance of approximately 20 to 25 feet. SGT Beslity gave chase as well, trailing some distance behind PO Manney and the suspect. PO Manney was unaware of what PO Smath did at this moment. PO Manney shouted, “Stop. Police. Don’t move.” The suspect fled approximately 25-30 feet into § 87(2)(b). Once the suspect fled inside, PO Manney lost sight of him.

PO Manney entered the building and saw only one stairwell. PO Manney heard the suspect running up the stairs. When PO Manney reached the second floor, he heard the suspect running on the third floor followed by the shutting of a door somewhere beyond his field of vision (the hallways are shaped in an “L” and the sound emanated from the half of the hallway that extended behind the direction PO Manney faced as he heard the sound from the second floor), and then silence. PO Manney stopped there to wait for SGT Beslity to catch up before proceeding. PO Manney did not use his radio. SGT Beslity caught up after one to two minutes. PO Manney told SGT Beslity that he heard a door shut on the third floor. PO Manney told SGT Beslity that he was almost certain that the suspect fled into an apartment.

PO Manney and SGT Beslity went upstairs to the third floor and PO Manney led SGT Beslity to where he believed the sound of the door shutting came from. There were two apartment doors in this section of the hallway. PO Manney did not recall what markings, if any, were on the doors. (PO Manney was unaware that each apartment in the building has two entrance points and this was his first time inside the building.) SGT Beslity knocked on both doors. PO Manney and SGT Beslity said nothing and they heard nothing. No other officers were inside the building as far as PO Manney knew at this time. After waiting approximately five minutes, PO Manney and SGT Beslity went to the building’s roof to make sure that the suspect had not fled via the roof. The roof was clear. PO Manney and SGT Beslity went downstairs and outside without stopping on the third floor again. On the way down, PO Manney saw no other officers inside the building. During their time in the building, neither PO Manney nor SGT Beslity used their radios to relay information or request assistance.

Outside, PO Manney saw that PO Smath had another individual, identified by the investigation as § 87(2)(b) § 87(2)(b) stopped and in handcuffs. A patrol car pulled up containing the victims of the crime and a positive show-up was conducted in regard to § 87(2)(b). PO Manney did not recall what officers were in this patrol car, nor did he recall interacting with the victims of the crime at this point. PO Manney was informed that § 87(2)(b) was with the suspect he chased, but PO Manney did not recall noticing § 87(2)(b) when he first saw the suspect who fled into § 87(2)(b).

PO Schumacher and PO Hassan Raza then exited § 87(2)(b) with an individual in custody, identified by the investigation as § 87(2)(b). PO Manney did not see or know where PO Schumacher and PO Raza had come from or how or when they entered the building. PO Manney’s first awareness of their presence was their exit from the building with § 87(2)(b). PO Manney had never communicated chasing the fleeing suspect into the building to PO Schumacher and PO Raza and he did not know how they were aware of it. PO Manney did believe that they were somehow aware, possibly from talking to PO Smath outside, because he did not know how they would have known that a second

suspect was possibly inside the building. PO Manney did not speak with PO Schumacher or PO Raza or learn how they apprehended § 87(2)(b) nor did he witness any aspect of it. PO Manney described § 87(2)(b) as a black male with a light complexion who was wearing a white tee shirt. Upon seeing him in custody, PO Manney did not believe that § 87(2)(b) was the individual he had chased into the building. PO Manney had never seen § 87(2)(b) prior to this point. PO Manney did not recall if he spoke to § 87(2)(b) and he did not see visible injuries to him. The show-up for § 87(2)(b) yielded negative results. PO Manney was never informed as to how § 87(2)(b) was apprehended and he was unaware of officers entering any apartments inside § 87(2)(b). PO Manney never drew his firearm and pointed it at a civilian nor did he see another officer do so during this incident. PO Manney was not certain if the second suspect of this crime was ever apprehended.

Witness Officer: SGT KEVIN BESLITY

- *SGT Beslity is a § 87(2)(b) white male, who stands 6'00", weighs 240 lbs., and has black hair and brown eyes.*
- *On April 2, 2012, SGT Beslity worked from 1:15 p.m. to 11:12 p.m. and was assigned as a 75th Precinct Impact supervisor. SGT Beslity was partnered with PO Scott Smath and PO Frederick Manney, dressed in uniform, and assigned marked patrol van #§ 87(2)(b)*

Memo Book (encl. 15a-15c):

At 4:50 p.m., there was a radio run for a 10-32 (larceny in progress) at § 87(2)(b). At 5:10 p.m., SGT Beslity responded to § 87(2)(b). There were two males fitting the description for the 10-32 job. A vertical patrol was conducted at § 87(2)(b) after one male fled into the building. On the 2nd floor, they lost track of the suspect (§ 87(2)(b)). At 5:25 p.m., an individual was arrested by the officer assigned to foot post § 87(2)(b). At 5:35 p.m., SGT Beslity returned to the 75th Precinct stationhouse. At 6:20 p.m., SGT Beslity resumed patrol.

CCRB Statement (encl. 15d-15e):

On July 2, 2013, SGT Beslity was interviewed at the CCRB. § 87(2)(g)

On April 2, 2012, PO Smath was driving, SGT Beslity was seated in the front passenger seat, and PO Manney was seated behind them. There was a radio run for a 10-32, which consisted of a robbery of two victims, with one punched in the face. One of the perpetrators stated that he had a firearm in his jacket and property was stolen. The radio run also included physical descriptions of both suspects, but SGT Beslity did not recall what they were.

At § 87(2)(b) (SGT Beslity believed that the incident occurred at § 87(2)(b) but the investigation determined otherwise), SGT Beslity observed two men who appeared to fit the descriptions relayed over the radio. One individual had his back turned toward the van and the other was facing it. The man who was facing the van, identified by the investigation as § 87(2)(b) § 87(2)(b) made eye contact with SGT Beslity, then said something to the man beside him, then looked back at SGT Beslity, and the other man began running.

SGT Beslity and PO Manney stepped out of the van and pursued the fleeing suspect. SGT Beslity left his radio in the van. SGT Beslity gave chase at a distance of approximately 30 to 40 yards, with PO Manney some distance ahead of him but behind the suspect. The suspect fled into § 87(2)(b). SGT Beslity followed the suspect and PO Manney into the building, which was approximately five to six stories tall. At this time, SGT Beslity did not see any other officers in the area pursuing this suspect aside

from himself and PO Manney. SGT Beslity believed that PO Smath had stayed behind to deal with the other suspect but he was not sure at this time if that was the case.

SGT Beslity found PO Manney waiting for him on the second floor of the building, where he had lost track of the suspect. Together, they went to the roof and inspected it, then walked back down the stairs. On one of the floors, SGT Beslity did not recall which, he and PO Manney encountered PO Schumacher and PO Raza with an individual, identified by the investigation as § 87(2)(b) in handcuffs. They were leading him down the stairs. SGT Beslity believed that § 87(2)(b) appeared to fit the description of one of the suspects, but he could not be sure if § 87(2)(b) was the same individual he had chased because he only saw the fleeing suspect from behind. SGT Beslity did not witness the handcuffing of § 87(2)(b) nor was he told anything about his apprehension or an entry into an apartment. SGT Beslity never made physical contact with § 87(2)(b) nor did he ever enter an apartment inside the building or see an officer enter an apartment. SGT Beslity, PO Manney, PO Schumacher, and PO Raza were the only officers inside the building, but additional officers were gathered outside, including PO Smath, who had § 87(2)(b) detained outside across the street from the building. SGT Beslity observed no injuries to § 87(2)(b) and he never saw an officer punch § 87(2)(b) in his face. A patrol sector unit, SGT Beslity did not recall what officers were in the vehicle, drove past with the victims of the robbery inside for a show-up. The results were positive for § 87(2)(b) and negative for § 87(2)(b). SGT Beslity directed that a Stop, Question, and Frisk Report be prepared for § 87(2)(b) and that he be released immediately. SGT Beslity attempted to explain the reason for the detainment to § 87(2)(b) but § 87(2)(b) was highly irate. § 87(2)(b) was cursing and threatening to sue the police officers. SGT Beslity never heard § 87(2)(b) mention an entry into his apartment. § 87(2)(b) was then removed to the 75th Precinct stationhouse.

Witness Officer: PO SCOTT SMATH

- *PO Smath is a § 87(2)(b) white male, who stands 5'10", weighs 240 lbs., has brown hair and blue eyes, and has tattoos on his left bicep.*
- *On April 2, 2012, PO Smath worked from 1:30 p.m. to 10:05 p.m. and was assigned as a sergeant's operator. PO Smath was partnered with SGT Kevin Beslity, dressed in uniform, and assigned marked patrol van #§ 87(2)(b)*

Memo Book (encl. 16a-16c):

At 4:50 p.m., there was a radio run for a 10-32 (larceny in progress) at § 87(2)(b) § 87(2)(b). At 5:10 p.m., PO Smath responded to § 87(2)(b). There was one male suspect: a Hispanic male wearing a green hat and black leather jacket was detained. The victim of the robbery confirmed that the detained male was the perpetrator. The man was arrested. At 5:35 p.m., PO Smath responded to the 75th Precinct stationhouse with one male prisoner and PO William Schumacher.

CCRB Statement (encl. 16d-16e):

On June 28, 2013, PO Smath was interviewed at the CCRB. § 87(2)(g)
§ 87(2)(b)

On April 2, 2012, at approximately 4:50 p.m., there was a radio run for a larceny in progress committed by a Hispanic male wearing a green hat and a black leather jacket. At approximately 5:10 p.m., at § 87(2)(b), PO Smath saw a Hispanic male wearing a green hat and a black leather jacket. PO Smath stopped the van and stepped out of the driver seat. SGT Beslity stepped out as well. The man, identified by the investigation as § 87(2)(b) § 87(2)(b) attempted to flee but only made it past a few houses down the street before PO Smath was able to stop him. PO Smath did not recall seeing

anyone with § 87(2)(b) nor did he see another individual who he believed may have been a suspect of the robbery aside from this individual. PO Smath handcuffed § 87(2)(b). Sometime later, PO Smath did not recall how long, another unit, PO Smath did not recall who the officers were, responded with the victim of the robbery for a show-up. The officers confirmed over their radios that the show-up was positive. At this point, § 87(2)(b) was under arrest for the robbery. PO Smath never spoke to the victim of the robbery and no other show-ups were conducted. During this time a couple of other units responded. PO Smath loaded § 87(2)(b) into his van and went back to the 75th Precinct stationhouse with the officer who took the arrest, identified by the investigation as PO Schumacher.

PO Smath never went near § 87(2)(b) and was never apart from § 87(2)(b) from the point he stopped him until he transported him. PO Smath did not recall where SGT Beslity was or what he was doing during this time period. Despite being shown the SPRINT, the UF-61 Complaint Report, and the Stop, Question, and Frisk Report, PO Smath did not recall that the larceny involved two suspects nor did he recall any entry at § 87(2)(b) or any police activity in that building related to this incident. PO Smath was also shown a photo of § 87(2)(b) and provided additional details surrounding the incident, but he still did not recall anything further.

Additional Officers Interviewed (encl. 17a-21e):

PO Jason Egnaczyk, PO Matthew Zappia, PO Anthony Giretti, PO Daniel Barreto, and PO Patrick Marron were also interviewed for this investigation. Their statements are not included in this report because they were either not present for the incident or did not recall any involvement in it and their statements did not affect the recommended dispositions.

Medical Records:

On § 87(2)(b), § 87(2)(b) sought medical treatment at § 87(2)(b). § 87(2)(b) exhibited an abrasion to the right side of his upper lip, a contusion on his right knee, and a strain to his lower back. § 87(2)(b) received oral antibiotics and ibuprofen.

NYPD Documents (encl. 23a-23aa):

SPRINT #§ 87(2)(b) (encl. 23a)

At 4:35 p.m., male caller § 87(2)(b) called 911 and stated that five minutes prior at § 87(2)(b), two Hispanic males, one dressed in a green hat and a black leather jacket and the other also wearing a black leather jacket and stated that he would wait at the location for police to respond. He also reported that the perpetrators went around the corner. No weapons were involved. At 4:37 p.m., a female caller stated that a cell phone, eyeglasses, and five dollars were stolen. At 4:44 p.m., an Impact sergeant reported to Central that he was canvassing in the vicinity of § 87(2)(b). At 4:48 p.m., Central reported that two male perpetrators were heading east on § 87(2)(b). At 5:15 p.m., Central reported one individual under arrest. At 5:15 p.m., Central reported that the robbery victim was being transported to the stationhouse. At 5:41 p.m., 75th Precinct foot post #§ 87(2)(b) resumed patrol. At 5:45 p.m., two 75th Precinct sergeants, 75th Precinct foot post #§ 87(2)(b) and a 75th Precinct housing unit resumed patrol. At 11:33 p.m., 75th Precinct foot post #§ 87(2)(b) reported a final disposition of an arrest.

OLBS Arrest Report #§ 87(2)(b) (encl. 24h-24j)

The above-referenced document was prepared for the arrest of § 87(2)(b) on August 24, 2012. § 87(2)(b) was apprehended as the second perpetrator of this robbery. The arrest report notes that § 87(2)(b)

Status of Civil Proceedings (encl. 25a-25c):

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming false arrest, unlawful imprisonment, police brutality, assault, battery, violation of state and constitutional rights, injuries, pain and suffering, embarrassment, humiliation, and emotional distress and seeking \$5,000,000 as redress. The civil lawsuit is pending as of the date of this report. The next court appearance is scheduled for September 10, 2013.

Civilian's Criminal History (encl. 26a-26b):

- As of July 15, 2013, Office of Court Administration records reveal no criminal convictions for § 87(2)(b) over the last ten years.

Civilian's CCRB History (encl. 3a-3b):

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b)

Subject Officers' CCRB Histories (encl. 2a-2b):

- PO Schumacher has been a member of the service for three years and there are no substantiated CCRB allegations against him.
- PO Raza has been a member of the service for three years and there are no substantiated CCRB allegations against him.

Conclusion

Identification of Subject Officers

PO Schumacher acknowledged his involvement in this incident. § 87(2)(b) described the second officer standing outside of his door as an Asian or Middle Eastern male of tan complexion, who stood 5'8, had a slim build, was in his mid-30s, and wore glasses. PO Raza is a § 87(2)(b) Asian male with a dark complexion, who stands 5'11", and wears glasses. PO Raza was identified based on his acknowledgment of some involvement in this incident as well as his close match to the physical description provided by § 87(2)(b). Additionally, SGT Beslity's and PO Manney's statements placed PO Raza inside § 87(2)(b).

Investigative Findings and Recommendations

Allegations Not Pleded

An allegation of property damage is not pleaded here because it is subsumed in the entry allegation. A gun-pointed allegation and allegations of a frisk and offensive language (that an officer questioned whether § 87(2)(b) was "retarded") are not pleaded here because § 87(2)(b) did not raise these allegations in any of his statements to the CCRB.

Allegation A – Abuse of Authority: PO William Schumacher entered

§ 87(2)(b) in Brooklyn.

It is undisputed that PO Schumacher and other officers, identified by the investigation as PO Raza, SGT Beslity, and PO Manney, pursued a robbery suspect into § 87(2)(b) which is a three story building with two apartments on each floor.

PO Schumacher stated that he heard a door shut on the third floor of the building before losing track of the suspect. He began knocking on the doors on this floor. When he knocked on § 87(2)(b)'s door, he stated that he heard a voice inside say, "They found me. It's the police. I'm not coming out." PO

Schumacher identified himself and asked the individual inside to come outside. After a few minutes, the door was opened from the inside by a female child aged two to five years. Through the open door, PO Schumacher observed § 87(2)(b) who appeared to fit the description of one of the robbery suspects. § 87(2)(b) was crying and holding a phone. PO Schumacher ordered § 87(2)(b) to exit the apartment. § 87(2)(b) eventually complied, stepping out of the apartment on his own. After handcuffing § 87(2)(b), PO Schumacher entered the apartment to see if there were any "obvious threats" inside the apartment. He did not touch anything or enter any rooms.

PO Raza did not recall entering § 87(2)(b). SGT Beslity and PO Manney did not witness PO Schumacher's interaction with § 87(2)(b). PO Manney, however, confirmed that he was the first officer to enter § 87(2)(b) and that he lost sight of the suspect once inside and then heard a door shut on the third floor. PO Manney brought SGT Beslity to where he believed the sound came from. They knocked on the apartment doors, waited five minutes, but nothing happened. They then inspected the roof. PO Manney did not see PO Schumacher or PO Raza while inside the building but recalled seeing them exit the building. SGT Beslity recalled seeing PO Schumacher and PO Raza inside of the building escorting § 87(2)(b) down the stairs.

§ 87(2)(b) stated that he was inside his apartment with his two children when he heard loud banging on his door and shouting, "I know you're in there! Open up!" In his phone statement, § 87(2)(b) noted that he called § 87(2)(b) his landlord, and told him that the police were banging on his door. After one to two minutes, the apartment door, which was locked with two locks and a security chain, was kicked open. The door was damaged as a result and the locks had to be replaced. PO Schumacher then entered the apartment, grabbed § 87(2)(b) and pulled him into the hallway. After § 87(2)(b) was handcuffed in the hallway, PO Schumacher entered the apartment for one to two minutes and then returned to the hallway.

§ 87(2)(b) confirmed that when § 87(2)(b) called him he could hear loud banging on the door in the background and voices shouting "Open the door." § 87(2)(b) heard § 87(2)(b) tell the individuals that his children were in the apartment and asking what they wanted. After approximately one minute, § 87(2)(b) heard scuffling and sounds that led him to believe that the phone fell to the floor. § 87(2)(b) and § 87(2)(b) an independent locksmith, confirmed that there was damage to § 87(2)(b)'s door following this incident.

§ 87(2)(b) saw PO Schumacher and PO Raza banging on § 87(2)(b)'s door and heard § 87(2)(b) state that he did not know what the officers wanted or why they were bothering him. § 87(2)(b) briefly looked away and when she looked back she saw the officers handcuffing § 87(2)(b) in the hallway. § 87(2)(b) recalled that after this incident the § 87(2)(b) family was using the back door to their apartment because the front door was no longer working.

Based on § 87(2)(b) and § 87(2)(b)'s statements, the investigation does not credit that PO Schumacher heard a voice inside of § 87(2)(b)'s apartment saying, "They found me. It's the police. I'm not coming out." Also, based on the statements of § 87(2)(b), § 87(2)(b) and § 87(2)(b) regarding the damage to § 87(2)(b)'s door and the alternate use of apartment doors, the investigation credits that § 87(2)(b)'s apartment door was forcibly opened and that PO Schumacher entered and removed § 87(2)(b) from the apartment.

In determining whether exigent circumstances exist to permit a warrantless entry into a home, the following factors have been considered by the courts: (1) the gravity of the offense with which the suspect is to be charged; (2) the likelihood that the suspect is armed; (3) a clear showing of probable cause; (4) a

strong reason to believe that the suspect is inside the premises being entered; (5) the likelihood that the suspect will escape if not swiftly apprehended; and (6) the peaceful nature of the entry. People v. McBride, 14 N.Y.3d 440 (2010) (encl. 1a-1g).

Since the investigation determined that § 87(2)(b)'s door was forcibly opened and that PO Schumacher entered and removed § 87(2)(b) from the apartment, the entry is being evaluated under the McBride factors. § 87(2)(g)

§ 87(2)(b) PO Schumacher did not observe the fleeing suspect enter § 87(2)(b)'s apartment § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) both stated that they heard § 87(2)(b) make statements to the effect that his children were in the apartment and inquiring as to what the officers wanted. Also, PO Manney and SGT Besly who pursued the fleeing suspect into § 87(2)(b)'s building ahead of PO Schumacher and PO Raza did not attempt to enter § 87(2)(b)'s apartment. They merely knocked on the third floor apartment doors and then checked the roof. § 87(2)(g)

Allegation B – Force: PO Hassan Raza pointed his gun at § 87(2)(b)
According to § 87(2)(b) after his apartment door was forced open, PO Raza pointed a firearm at his child. § 87(2)(b)

PO Raza did not admit entering § 87(2)(b) or to being present for the entry. PO Schumacher did not recall if PO Raza or anyone else was present until after § 87(2)(b) was brought down to the ground for handcuffing. SGT Besly and PO Manney did not witness this encounter.

§ 87(2)(g)

Allegation C – Force: PO William Schumacher used physical force against § 87(2)(b)
According to § 87(2)(b) after he was forcefully pulled out of the apartment, he was brought to the ground. When § 87(2)(b) tried to turn his body to ask what was happening, PO Schumacher punched him once in his face. § 87(2)(b) sustained a laceration to his lip as a result.

According to § 87(2)(b) when § 87(2)(b) was on the ground, he was asking what was happening and was being held down from trying to stand up. § 87(2)(b) saw PO Schumacher strike § 87(2)(b) at least one time in his face. § 87(2)(b) did not recall seeing any injuries to § 87(2)(b). According to § 87(2)(b), he observed an injury to § 87(2)(b) but he did not recall what it was, though it was possible it was somewhere on his face. § 87(2)(b).

According to PO Schumacher, as § 87(2)(b) came out of the apartment, he guided § 87(2)(b) to the ground face-down, and applied weight to § 87(2)(b)'s back with his knee while handcuffing him. § 87(2)(b) was trying to stand and pulling his hands away. PO Schumacher and another officer overpowered § 87(2)(b)'s attempts to pull his hands away by grabbing and pulling his hands and handcuffing him. § 87(2)(b) was never punched in the face and had no visible injuries.

PO Raza did not recall ever being inside § 87(2)(b). SGT Besly and PO Manney stated that they were not present for this encounter.

§ 87(2)(g)

[REDACTED]

Members of the service must use the minimum necessary force under appropriate circumstances. Patrol Guide Procedure 203-11 (encl. 1h-1i).

Although it is undisputed that § 87(2)(b) turned his body and tried to stand from the floor, it is also undisputed that § 87(2)(b) was quickly handcuffed by only two officers. § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegation D – Abuse of Authority: PO William Schumacher detained § 87(2)(b)

It is undisputed that § 87(2)(b) was detained for a show-up in regard to the recent robbery. The show-up was negative.

The SPRINT for the incident noted that the then un-apprehended suspect was a Hispanic male wearing a black jacket. The victims of the robbery did not provide statements to the investigation. PO Raza and PO Mustapich did not recall the physical descriptions provided by the robbery victims during the canvass in their vehicle. By PO Schumacher's account, the individual who fled into the building was a Hispanic male wearing a white tee shirt, which matched the description he recalled being provided by the robbery § 87(2)(b). PO Manney recalled that § 87(2)(b) was wearing a white tee shirt when he was brought out of the building. When PO Manney saw § 87(2)(b) brought out, he did not believe that he was the individual he had chased inside the building, but SGT Beslity stated that although § 87(2)(b) appeared to fit the description of the then un-apprehended suspect, he was unsure if § 87(2)(b) was the suspect who fled into § 87(2)(b) because he only saw the fleeing suspect from behind. PO Manney only recalled that one of the suspects was a male wearing a green hat and a black jacket.

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

Allegation E – Other Misconduct: PO William Schumacher intentionally made a false official statement in violation of Patrol Guide Procedure 203-08.

Allegation F – Other Misconduct: PO Hassan Raza intentionally made a false official statement in violation of Patrol Guide Procedure 203-08.

§ 87(2)(b) alleged that officers forcibly entered his apartment by kicking the door open and damaging the door. § 87(2)(b) described two officers standing outside of his door when it was kicked in. § 87(2)(b) corroborated that two officers approached § 87(2)(b)'s apartment. The investigation identified PO Raza as one of these officers based on the physical description and SGT Beslity and PO Manney's statements which place PO Raza inside of the building with PO Schumacher. § 87(2)(b) also stated that PO Schumacher punched him in on the upper right side of his mouth as he was on the floor being handcuffed.

§ 87(2)(b) and § 87(2)(b) corroborated that § 87(2)(b)'s door was damaged. Additionally, § 87(2)(b) corroborated that the § 87(2)(b) family began using an alternate entrance to their apartment

following this incident. She also stated that she saw an officer strike § 87(2)(b) in the face as he was on the floor. Medical records confirm that § 87(2)(b) had a laceration to the right side of his lip. § 87(2)(b) recalled seeing an injury to § 87(2)(b) but did not recall what it was.

PO Schumacher stated that the apartment door was opened by one of § 87(2)(b)'s children and denied punching § 87(2)(b). PO Raza stated that he did not see where PO Schumacher went upon their arrival or what PO Schumacher did beyond that point. When asked if he entered the building into where the second suspect was pursued, PO Raza answered, "Not that I remember." PO Raza maintained that he remained outside of the building with the robbery victim and PO Mustapich. PO Mustapich did not recall if PO Raza exited the police vehicle or entered § 87(2)(b).

The intentional making of a false official statement by a police officer is prohibited. Patrol Guide Procedure 212-08 (encl. 1k).

§ 87(2)(g)

Additionally, § 87(2)(b) SGT Besly and PO Manney each acknowledged PO Raza's presence inside § 87(2)(b) § 87(2)(g)

Team: _____

Investigator: _____
Signature _____ Print _____ Date _____

Supervisor: _____
Title/Signature _____ Print _____ Date _____

Reviewer: _____
Title/Signature _____ Print _____ Date _____

Reviewer: _____
Title/Signature _____ Print _____ Date _____

Interview Details

Complainant/Victim:

- [REDACTED] is a [REDACTED]-year-old black male, who stands 6'1", weighs 160 lbs. and has black hair and brown eyes.
- [REDACTED] is currently unemployed.

CCRB Statement

On May 24, 2012, [REDACTED] was interviewed at the CCRB. On May 24, 2012, at approximately 5:00 p.m., [REDACTED] was inside his apartment with his two children, located at [REDACTED] in Brooklyn, lying in bed and watching television. [REDACTED] his girlfriend, [REDACTED] and his two children, one aged [REDACTED] and the other aged [REDACTED] live at the residence. [REDACTED] had been indoors all day with his children and [REDACTED] was out at the time.

[REDACTED] heard loud banging on the door to his apartment and shouting, "I know you're in there! Open up!" This went on for one to two minutes as [REDACTED] walked into the hallway that leads to the entrance to the apartment. The apartment door, which was locked at the time, was forced open and PO1 (described as an Asian or Middle Eastern male of tan complexion, who stood 5'8", had a slim build, was in his mid-30s, wore glasses, and was dressed in uniform) entered with his firearm pointed outward in front of him. [REDACTED] son ran across the area and PO1 followed the child with his pointed firearm. When [REDACTED] first saw PO1, he raised his hands in the air in surrender. PO2 (described as a white male, who stood 5'3" to 5'5", had a slim build, was in his early 30s, and was dressed in uniform) entered the apartment, grabbed [REDACTED] and pulled him out into the hallway. PO3 (described as a white male dressed in uniform) was waiting in the hallway.

The officers shouted orders at [REDACTED] to get on the ground. [REDACTED] voluntarily went to the ground and lay face down. PO1 holstered his firearm. [REDACTED] began repeatedly questioning what was happening and telling the officers that his children were now unsupervised inside the apartment. PO1 approached [REDACTED] body from behind, placed a knee into his lower back, grabbed [REDACTED] right hand, and began handcuffing it. [REDACTED] continued to protest and was twisting his body and head backwards to look at the officer. When asked if he was resisting the handcuffing process, [REDACTED] stated that he "could have been," but argued that if he was, it was minimal and a result of his confusion.

PO2 approached [REDACTED] from his rear on his right side and punched [REDACTED] on the upper right side of his mouth once with his right fist. This blow caused [REDACTED] upper lip to bleed and swell. After PO2 punched him, [REDACTED] stopped talking and moving. PO1 then handcuffed [REDACTED]. At this point, approximately one minute had transpired since the beginning of the incident.

PO2 entered the apartment for one to two minutes and returned to the hallway. During that time, [REDACTED] remained in the hallway with PO1 and PO3. PO4 (described as a Hispanic male of light complexion, who had a husky build, was dressed in uniform, and was referred to as a sergeant by other officers) and [REDACTED] approached. ([REDACTED] did not recall who arrived first but they arrived around the same time.) PO4 told the officers that they had the wrong suspect. [REDACTED] asked to be released but was told that he would have to wait a little while longer. The officers began talking amongst themselves. [REDACTED] (REDACTED was unsure of the spelling of her name and did not know her surname), a neighbor from [REDACTED], came into the hallway. A few minutes later, an unidentified female neighbor from [REDACTED] came upstairs as well. The unidentified neighbor attempted to reassure the officers that [REDACTED] was a resident of the apartment. Several minutes transpired while the officers spoke amongst themselves.

Finally, the officers brought [REDACTED] downstairs. The neighbors remained in his apartment with his children. Outside the building, [REDACTED] was walked past a marked patrol car, in the backseat of which two Asian male teens of dark complexion were seated. As [REDACTED] was walked past the patrol car, the teens shook their heads from side to side as if to say, "No," [REDACTED] surmised.

[REDACTED] was walked farther down the street to a marked patrol van. A Hispanic male of dark complexion, who was in his mid-20s, and had a slim build, was standing outside the van, in handcuffs. An officer asked the unidentified Hispanic male if he knew [REDACTED]. The unidentified Hispanic male said that he did not. (When asked during his interview at the CCRB, [REDACTED] said that he did not know this individual either and had never seen him before.) [REDACTED] asked the officers again to be released. PO4 approached a few moments later and [REDACTED] was released. Once [REDACTED] was released, PO2 told [REDACTED] that he hoped he understood that he was only doing his job, or something to that effect, but made no direct reference to hitting [REDACTED]. [REDACTED] said nothing and walked away.

Interview Details

[REDACTED] pointed PO2 out to [REDACTED] who was also outside the building, and asked her to collect identifying information from him. [REDACTED] then went upstairs to his apartment and had no further interactions with police officers. At this point, approximately twenty to thirty minutes had transpired, the bulk of which was spent in the hallway outside the apartment where [REDACTED] was handcuffed and held before being taken downstairs.

[REDACTED] was subsequently handed a slip of paper on which his wife wrote the following information: "April 2, 2012, around 5:00 p.m.; Cop name Schumacher, #4618; 75th Precinct, 1000 Sutter Avenue; 911 complaint [REDACTED], spoke with Pastor; Civilian Complaint Review Board, 40 Rector Street, 2nd Floor, Angel Rendon, [REDACTED]." [REDACTED] presented the original document during his interview and clarified that the information up until the mention of the 911 call was transcribed by his wife at the time of the incident when she spoke with PO2. The remaining information was added later as [REDACTED] and [REDACTED] went about the process of filing complaints with IAB and the CCRB. Additionally, [REDACTED] informed that PO2 explained that the cause of [REDACTED] encounter was a recent robber. The perpetrator had fled inside [REDACTED] (According to [REDACTED] the building has three floors, with two apartments on each floor.) PO2 provided no additional information to [REDACTED] that [REDACTED] was aware of.

At the time of his interview, [REDACTED] noted the following on his Confidential Witness Information Sheet. [REDACTED] sustained a "busted lip, lower back pains, and a bruised [knee]" and sought medical treatment at [REDACTED] Hospital.

Interview Details

Subject Officer: PO WILLIAM SCHUMACHER

- *PO Schumacher is a [REDACTED]-year-old white male, who stands 5'8", weighs 175 lbs., and has brown hair and hazel eyes.*
- *On April 2, 2012, PO Schumacher worked from 1:30 p.m. to 2:05 a.m. and was assigned to 75th Precinct Impact footpost # [REDACTED]. PO Schumacher was working alone, dressed in uniform, and on foot.*

Memo Book

At 4:45 p.m., there was a radio run for a 10-30 (robbery in progress). The complainant/victim of the robbery, [REDACTED] DOB: [REDACTED], Address: [REDACTED], was put in a patrol car for a canvass. At 5:00 p.m., the complainant/victim of the robbery pointed out the perpetrators. A foot pursuit led into [REDACTED]. Knocked on door of [REDACTED] and an individual inside refused to come out, stating, "They found me. I don't know what to do." When individual opened the door, he fit the description of the 10-30/foot pursuit. Individual was brought out at gun point (complainant/victim of the robbery had stated that the perpetrator had a gun). While attempting to cuff individual, he refused to comply or be rear-cuffed and was taken to the ground. A show-up was conducted with negative results. The individual stated he had no injuries and was released. At 5:05 p.m., a UF250 was prepared in regards to [REDACTED], Address: [REDACTED] DOB: [REDACTED], for robbery. Perpetrator was in handcuffs, had a firearm pointed at him, and hands placed on him and was taken to the ground when he refused to comply. At 5:15 p.m., one individual was placed under arrest in regards to a 10-30 radio run. The second perpetrator, [REDACTED] DOB: [REDACTED], Address: [REDACTED], was apprehended on the corner of [REDACTED]. A show-up was conducted with positive results. At 5:30 p.m., PO Schumacher returned to the 84th Precinct stationhouse with his prisoner.

CCRB Statement

On February 14, 2013, PO Schumacher was interviewed at the CCRB. At approximately 4:45 p.m., PO Schumacher heard a radio run for a 911 report of a robbery that took place inside a park approximately two blocks north of PO Schumacher's footpost at [REDACTED]. Just minutes after the radio run, PO Schumacher was approached by the victims of the robbery, a male and his girlfriend, who were on foot at this time. The male stated that he had gone to the park with his girlfriend, where she gave him his birthday gift. They were approached a heavyset Hispanic male and a thin Hispanic male, who was wearing a white tee shirt. The men took the male victim's cell phone and glasses and five dollars from the female victim. The men then told the victims, "If you tell the police, I'll shoot you." The threat was verbal; the victims did not report seeing a firearm. The physical descriptions of the robbers were told to PO Schumacher in person; he did not recall if they were also relayed over the radio.

PO Schumacher used his radio to report that he was with the victims of the robbery at [REDACTED]. A marked patrol car responded to the location. PO Schumacher did not recall who these officers were and viewing the roll call did not refresh his memory. They were uniformed and held the rank of police officer. PO Schumacher also believed that the officers were assigned to sector patrol, but he was not sure. PO Schumacher entered the patrol car with the victims. They drove to [REDACTED], which was approximately eight to nine blocks away, because one of the victims stated that he had seen one of the robbery perpetrators at that intersection in the past. Approximately five minutes later, they arrived at the intersection. PO Schumacher saw another marked patrol car at the location. The officers, whose identities PO Schumacher did not recall, exited that patrol car and gave chase after two individuals, one a heavyset Hispanic male, who tried to hide behind a parked car, and another a Hispanic male in a white tee shirt, who fled into [REDACTED]. The individual who hid behind the car was stopped outside, later identified as [REDACTED], arrested, and charged as one of the perpetrators of this robbery.

PO Schumacher and the officers in his patrol car exited and followed the other officers, trailing by approximately two seconds, into [REDACTED]. Approximately four officers entered the building together. While approaching the third and last floor, PO Schumacher heard a door shut. On the third floor there were anywhere between two and four apartments and a door to the roof. PO Schumacher knocked on an apartment door, at random. A woman answered and invited him to look inside her apartment. PO Schumacher did so with negative results. PO Schumacher knocked on the door across the hall, [REDACTED] which was across from the first door he tried. While PO Schumacher did this, the other officers continued with the vertical patrol. Additional officers were also entering the building at this time and climbing the stairs.

After knocking on the door, PO Schumacher heard a voice inside telling another party, "They found me. It's the police. I'm not coming out." PO Schumacher said, "It's the police. Open the door. I just want to talk to you." PO Schumacher purposefully

Interview Details

made no mention of the robbery because he did not want who he believed to be a robbery suspect to be aware that he had been apprehended. PO Schumacher made repeat requests that the individual open the door. PO Schumacher also tried the door knob but the door was locked. After approximately two to three minutes, the door unlocked and was opened by a small female child, approximately two to five years of age. The door was opened approximately one foot wide. Through the opening, PO Schumacher saw a Hispanic male, who was wearing a white shirt, and looked like the individual who he had seen flee into the building. PO Schumacher believed that this individual, subsequently identified as [REDACTED] was one of the robbery perpetrators. [REDACTED] was crying and holding a landline phone in one of his hands. The apartment was dark and [REDACTED] other hand was not visible.

PO Schumacher ordered [REDACTED] out of the apartment and told him to show both hands. [REDACTED] continued to hold the phone and did not comply with the order to come out. PO Schumacher drew his firearm and pointed it at [REDACTED]. PO Schumacher pointed his firearm at [REDACTED] based on the robbery victim's statement in-person that the robbery perpetrators had threatened to shoot them, the darkness of the apartment as well as his inability to see [REDACTED] other hand, and [REDACTED] failure to comply immediately with the instructions given to him.

Finally, [REDACTED] put the phone down and stepped out of the apartment with both hands up, which were empty. PO Schumacher directed [REDACTED] to get on the floor multiple times. [REDACTED] did not comply with the orders, instead asking "What did I do? What did I do?" PO Schumacher issued several additional orders that [REDACTED] get on the floor. PO Schumacher was unsure if any officers were behind him backing him up at this point or if the officers were still scattered throughout the building. With his free hand, PO Schumacher grabbed [REDACTED] by the shoulder and pulled him downward toward the floor. [REDACTED] went down. PO Schumacher holstered his firearm, pressed a knee into [REDACTED] back to use his weight to prevent him from standing. [REDACTED] was trying to stand and pulling his hands away, which PO Schumacher and another officer, whose identity PO Schumacher did not recall, grabbed and pulled into handcuffs. No force aside from grabbing and pulling at his arms was used by an officer, except by PO Schumacher, who used his knee to weigh [REDACTED] back downward to restrain him against standing. No officer ever punched [REDACTED] in his face.

Once [REDACTED] was handcuffed, PO Schumacher entered the apartment, which opened into a living room. To the left, there was a hallway that led to a bedroom at the end. PO Schumacher walked down the hallway and looked inside the bedroom (the door was already open). There was another two to five year old child sleeping inside the room. PO Schumacher returned to the front door, where he tried to calm the other child, who was now crying. PO Schumacher smelled the odor of marijuana in the apartment but saw none in plain view. PO Schumacher did not touch anything inside the apartment or open any doors. No officer ever attempted to force entry through the front door nor was there any damage to the lock.

PO Schumacher left the apartment and brought [REDACTED] downstairs and outside in handcuffs. PO Schumacher brought [REDACTED] to the patrol car but the victims stated that [REDACTED] was not the other robbery perpetrator. At some point after handcuffing and before the show-up, PO Schumacher was certain that [REDACTED] was frisked, but he did not recall by who. [REDACTED] was never searched. After negative results for the show-up, PO Schumacher removed [REDACTED] handcuffs. PO Schumacher asked why [REDACTED] was saying what he said before the apartment door was opened and why he was noncompliant. [REDACTED] explained that a week or two prior a warrant had been executed in his home for drugs and he had been caught smoking marijuana. [REDACTED] feared that the same thing was happening when PO Schumacher knocked on the door. PO Schumacher asked [REDACTED] if he had any injuries or needed an ambulance. PO Schumacher saw no visible injuries to [REDACTED] and [REDACTED] stated that he did not need medical attention. [REDACTED] was free to go; he was in custody for approximately ten minutes. As far as PO Schumacher knew, the second robbery perpetrator was never arrested. PO Schumacher did not recall what if any supervisors responded to the incident.

PO Schumacher reviewed the UF-61 Complaint Report for the robbery and explained that it did not list physical descriptions for the robbery perpetrators because an arrest was eventually made. When an arrest is made, the pedigrees of the suspects are not included on the UF-61 Complaint Report.

PO Schumacher reviewed the Stop, Question, and Frisk Report that he prepared for this incident. PO Schumacher noted that the furtive movements he checked off under circumstances that led to the stop referred to [REDACTED] initial refusal to show his other hand. PO Schumacher checked off actions indicative of engaging in violent crimes because [REDACTED] was suspected of robbery, which is inherently considered a violent crime. Under reason for force used, PO Schumacher checked off reaching for

Interview Details

suspected weapon due to [REDACTED] initial refusal to reveal his other hand and his first-hand knowledge from the robbery victims that the perpetrators had threatened to shoot them.

Interview Details

Subject Officer: PO HASSAN RAZA

- *PO Raza is a [REDACTED]-year-old Asian male with a dark complexion, who stands 5'11", weighs 175 lbs., wears glasses, and has black hair and brown eyes.*
- *On April 2, 2012, PO Raza worked from 1:30 p.m. to 10:05 p.m. and was assigned to 75th Precinct patrol sectors H and I. PO Raza was partnered with PO Scott Mustapich, dressed in uniform, and assigned marked patrol car # [REDACTED]. PO Mustapich was driving and PO Raza was the sole passenger.*

Memo Book

At 4:40 p.m., PO Raza went out on patrol. At 4:40 p.m., PO Raza went on a canvass with an officer assigned to foot post #47 and a complainant/victim of a crime in regards to a 10-32 job at [REDACTED]. At 5:15 p.m., the canvass yielded positive results in regards to the above entry. PO Raza transported complainant/victim of the crime to the 75th Precinct.

CCRB Statement

On May 29, 2013, PO Raza was interviewed at the CCRB. While on patrol, PO Raza and PO Mustapich heard a radio run put over the radio by PO William Schumacher, who was assigned to foot post #47, for a 10-32 robbery at [REDACTED]

[REDACTED] There was no 911 call for the incident prior to this; PO Schumacher picked up the job in person and put it over the radio himself. PO Raza and PO Mustapich drove approximately two blocks to PO Schumacher's location and put PO Schumacher and the victim of the robbery in their patrol car. Inside the patrol car, PO Schumacher obtained additional details from the victim, including "very accurate," detailed descriptions of what was either two or three perpetrators. PO Schumacher relayed this information over the radio. PO Raza and PO Schumacher began a canvass, and several other units did so as well. PO Raza did not recall the physical descriptions provided nor did he recall what other units were also canvassing. PO Raza learned from listening to the victim's statement that he was walking home from school with his girlfriend when they were approached from behind by the perpetrators. The victim was robbed of his cell phone. PO Raza did not recall if any threats were issued to the victim, including any threats referencing a firearm.

PO Raza and PO Mustapich were requested at [REDACTED] by two uniformed officers assigned to a marked van (this was all that PO Raza recalled about them or their assignment). One male was stopped at the location by the officers from the marked van. PO Raza did not recall this man's physical appearance or clothing. PO Schumacher exited the vehicle and approached. PO Raza parked at an angle where the robbery victim could see the suspect. The robbery victim positively identified the man as one of the robbery perpetrators. PO Raza did not see where PO Schumacher went or what he did beyond this point.

PO Raza was made aware that the second person who was stopped at this location had fled down the block into a building on [REDACTED] and another street that PO Raza did not recall. PO Raza did not see what officers pursued the suspect into the building, nor did he see this second suspect. PO Raza believed that he remained with the robbery victim and PO Mustapich at the corner of [REDACTED], because the robbery victim could not be left alone in the patrol car, and the robbery victim was their responsibility at the time. The robbery victim remained inside the patrol car the entire time. PO Raza thought that a suspect was eventually brought out of the building, but he did not recall if a second show-up ever took place, nor did he recall any involvement in a second show-up if it did take place. The man who was positively identified at [REDACTED] was handcuffed and placed in the marked van. PO Raza and PO Mustapich then transported the robbery victim to the 75th Precinct. When asked if he ever entered the building where officers pursued a second suspect, PO Raza answered "not that I remember." PO Raza was shown a photo of [REDACTED] but he did not recognize him or recall an interaction with him.

Interview Details

Witness Officer: PO MATTHEW ZAPPIA

- *PO Zappia is a [REDACTED]-year-old white male, who stands 5'11", weighs 220 lbs., and has brown hair and brown eyes.*
- *On April 2, 2012, PO Zappia worked from 1:30 p.m. to 10:05 p.m. and was assigned to 75th Precinct Impact foot post #61, which is located on Liberty Avenue. PO Zappia was working at times with the officer assigned to either foot post #60 or #62, dressed in uniform, and on foot.*

Memo Book

At 4:35 p.m., PO Zappia backed a unit on a 10-32 radio run at [REDACTED]. At 5:10 p.m., PO Zappia resumed patrol after completing a canvass and returned to foot post #61. At 5:20 p.m., PO Zappia was visited by a sergeant.

CCRB Statement

On March 20, 2013, PO Zappia was interviewed at the CCRB. On April 2, 2012, at approximately 4:35 p.m., there was a radio run for a 10-32 larceny. PO Zappia backed a unit, he did not recall which, and stated that it did not necessarily mean that he was with the unit, by canvassing the blocks immediately surrounding his foot post, which was located somewhere on [REDACTED] approximately nine blocks west of [REDACTED] (PO Zappia did not recall the specific cross streets). PO Zappia walked up and down the blocks seeking anyone who fit the description that was broadcast over the radio. The officers assigning to the adjoining footposts, PO Zappia did not recall who, also canvassed. PO Zappia concluded his canvass at approximately 5:15 p.m., having never left the immediate vicinity of his foot post. PO Zappia never entered [REDACTED]. When shown a photo of [REDACTED] PO Zappia did not recognize him or recall an interaction with him.

Interview Details

Witness Officer: PO JASON EGNACZYK

- *PO Egnaczyk is a [REDACTED] year-old white male, who stands 6'0", weighs 200 lbs., and has brown hair and brown eyes.*
- *On April 2, 2012, PO Egnaczyk worked from 1:30 p.m. to 10:05 p.m. and was assigned to 75th Precinct Impact foot post #62, which covers Liberty Avenue in the immediate vicinity of Fountain Avenue. PO Egnaczyk was working alone, dressed in uniform, and on foot.*

Memo Book

At 4:35 p.m., there was a radio run for a 10-32 larceny of a phone at [REDACTED]. At 4:40 p.m., PO Egnaczyk conducted a canvass. At 4:55 p.m., PO Egnaczyk completed his canvass. At 5:00 p.m., PO Egnaczyk took his meal.

CCRB Statement

On March 20, 2013, PO Egnaczyk was interviewed at the CCRB. On April 2, 2012, at approximately 4:35 p.m., there was a 10-32 radio run for a larceny of a phone at [REDACTED]. In response, PO Egnaczyk canvassed the immediate vicinity of his foot post, which was located in the vicinity of [REDACTED] (which is approximately seven blocks west of [REDACTED] in search of any suspects fitting the description of the perpetrators that was broadcast over the radio. PO Egnaczyk did not encounter any suspects and he never left the immediate vicinity of his post, nor did he ever approach [REDACTED]. PO Egnaczyk was shown a photo of [REDACTED] but he did not recognize him or recall an interaction with him.

Interview Details

Witness Officer: PO SCOTT MUSTAPICH

- *PO Mustapich is a [REDACTED]-year-old white male, who stands 5'11", weighs 180 lbs., and has brown hair and green eyes.*
- *On April 2, 2012, PO Mustapich worked from 1:30 p.m. to 12:25 a.m. and was assigned to a 75th Precinct conditions unit. PO Mustapich was partnered with PO Hassan Raza, dressed in uniform, and assigned marked patrol car # [REDACTED]*

Memo Book

At 4:40 p.m., PO Mustapich was on a canvass with the officer assigned to foot post #47 and a crime victim in the patrol car in regards to a radio run for a 10-32 at [REDACTED]. At 5:15 p.m., there were positive results on the canvass. The crime victim was transported to the 75th Precinct stationhouse.

CCRB Statement

On May 31, 2013, PO Mustapich was interviewed at the CCRB. On April 2, 2012, PO Mustapich was driving and PO Raza was seated in the front passenger seat of the marked patrol car. Shortly before 4:40 p.m., there was a radio run for stolen property at [REDACTED]. PO Mustapich and PO Raza responded to [REDACTED], where they picked up the victim of the robbery and the officer assigned to foot post #47, identified by the investigation as PO William Schumacher. PO Mustapich did not recall any further details from the radio run. They began canvassing for the perpetrator(s), PO Mustapich did not recall if there was one or two.

During the canvass, there was another call, PO Mustapich did not recall if it came over a cell phone or department radio, by other officers, PO Mustapich did not recall who they were, who had one, possibly two, again, PO Mustapich did not recall, suspects stopped on [REDACTED].

PO Mustapich and PO Raza responded to [REDACTED]. PO Mustapich did not recall what information, if any, the victim of the robbery provided while inside the patrol car. The officers conducted a show-up at that time with positive results and that individual was placed under arrest. PO Mustapich did not recall if PO Raza or PO Schumacher exited the vehicle. While at [REDACTED], PO Mustapich saw some officers enter a building across the street, but he did not know why, did not recall who they were, and did not recall if PO Schumacher or PO Raza were among them. PO Mustapich never entered the building, because he remained with the victim of the robbery the entire time.

PO Mustapich did not recall if a second show-up was conducted. PO Mustapich then transported the robbery victim to the 75th Precinct stationhouse. PO Mustapich did not recall if PO Raza accompanied him for this. PO Mustapich did not recall whether a supervisor was present, or who transported the arrested individual, or what the arrested individual looked like. PO Mustapich did not recall seeing a marked patrol van at the location. PO Mustapich was shown the Stop, Question, and Frisk Report prepared for [REDACTED] and a photo of [REDACTED] and given details surrounding the incident, but he recalled nothing further.

Interview Details

Witness Officer: PO DANIEL BARRETO

- *PO Barreto is a [redacted]-year-old white male, who stands 6'2", weighs 320 lbs., has a shaved head of black hair and brown eyes, a black tattoo that covers the majority of his right forearm.*
- *On April 2, 2012, PO Barreto worked from 3:00 p.m. to 11:35 p.m. and was assigned to 75th Precinct patrol sector D. PO Barreto was partnered with PO Anthony Giretti, dressed in uniform, and assigned marked patrol car # [redacted]*

Memo Book

At 4:06 p.m., PO Barreto responded to a 10-54 (ambulance case) at [redacted]. At 4:06 p.m., PO Barreto verified if an ambulance was needed at [redacted]. At 4:18 p.m., PO Barreto logged a patient removed to a hospital from the previous job on [redacted]. At 4:25 p.m., PO Barreto responded to a vehicle accident involving injuries at [redacted]. At 4:26 p.m., there was a radio run for a 10-68 (see complaint report). At 5:01 p.m., PO Barreto logged final dispositions of 10-93Q (other report prepared), 10-99T5 (vehicle accident), and 10-97RMA (refused medical attention) for a previous job on [redacted]. At 5:09 p.m., PO Barreto logged a final disposition of 10-91 (non-crime corrected) for a previous job on [redacted]. At 5:37 p.m., PO Barreto logged a final disposition of 10-93Q for a previous job on [redacted], then returned to the 75th Precinct to complete administrative duties. At 6:24 p.m., PO Barreto resumed patrol.

CCRB Statement

On June 3, 2013, PO Barreto was interviewed at the CCRB. On April 2, 2012, at approximately 4:26 p.m., PO Barreto and PO Giretti received a radio run for a recovered stolen vehicle. PO Barreto and PO Giretti were still on another job. Shortly after 5:09 p.m., PO Barreto and PO Giretti responded to [redacted] for the recovered stolen vehicle job. After speaking with the owner of the vehicle, at approximately 5:37 p.m., PO Barreto and PO Giretti returned to the 75th Precinct stationhouse because the job required the preparation of a DD5 and they had to take the alarm off the vehicle—the license plate had a stolen vehicle alert on them that needed to be removed immediately. Otherwise the rightful owner of the vehicle could be arrested at any time if an officer ran his plates. PO Barreto did not believe that he or PO Giretti ever left this job to assist with the incident in question. Despite being shown the SPRINT for the incident in question, being shown a photo of [redacted] and being provided with details surrounding the encounter, PO Barreto did not recall it.

Interview Details

Witness Officer: PO ANTHONY GIRETTI

- *PO Giretti is a [REDACTED] year-old white male, who stands 6'2", weighs 245 lbs., and has black hair and brown eyes.*
- *On April 2, 2012, PO Giretti worked from 3:00 p.m. to 11:35 p.m. and was assigned to 75th Precinct patrol sector D. PO Giretti was partnered with PO Daniel Barreto, dressed in uniform, and assigned marked patrol car # [REDACTED]*

Memo Book

At 4:25 p.m., there was a radio run for a 10-53 (vehicle accident) at [REDACTED]. At 4:26 p.m., there was a radio run for a 10-68 (see complaint report) at [REDACTED]. At 5:01 p.m., PO Giretti logged final dispositions of 10-93Q (other report prepared), 10-99T5 (vehicle accident), 10-97RMA (refused medical attention) for the job on [REDACTED]. At 5:09 p.m., PO Giretti logged a final disposition of 10-91 (non-crime corrected) for a previous job on [REDACTED]. At 5:37 p.m., PO Barreto logged a final disposition of 10-93Q for a previous job on [REDACTED]. At 5:47 p.m., PO Barreto was visited by a sergeant. At 6:24 p.m., PO Giretti resumed patrol.

CCRB Statement

On June 4, 2013, PO Giretti was interviewed at the CCRB. On April 2, 2012, by the time the radio run for the incident in question was generated at 4:35 p.m., PO Giretti and PO Barreto were already handling three separate jobs. After handling the job at [REDACTED], PO Giretti's memo book was scratched by a sergeant at the same location. PO Giretti did not believe that he or PO Barreto responded to the incident in question or were involved in any way. They worked together for the duration of their tour. After his memo book was scratched, PO Giretti and PO Barreto returned to the 75th Precinct stationhouse and did not resume patrol until 6:24 p.m. Despite being shown the SPRINT, a photo of [REDACTED] and being provided details surrounding the incident, PO Giretti did not recall it.

Interview Details

Witness Officer: PO PATRICK MARRON

- *PO Marron is a [REDACTED]-year-old white male, who stands 6'0", weighs 200 lbs., and has a bald head and gray eyes.*
- *On April 2, 2012, PO Marron worked from 1:00 p.m. to 9:35 p.m. and was assigned as an Impact sergeant's operator. PO Marron was partnered with SGT Kevin Colvin, dressed in uniform, and assigned to marked patrol van # [REDACTED]*

Memo Book

At 3:35 p.m., there was a pick-up job for an emotionally disturbed person at [REDACTED]. At 4:10 p.m., the individual was removed to [REDACTED] Hospital. At 6:10 p.m., a vehicle was stopped at [REDACTED].

CCRB Statement

On June 28, 2013, PO Marron was interviewed at the CCRB. On April 2, 2012, at approximately 3:35 p.m., PO Marron and SGT Colvin handled the removal of an emotionally disturbed person on [REDACTED]. They did not escort the EDP with EMS. PO Marron did not recall his activities between 4:10 p.m. and the vehicle stop at 6:10 p.m., but he remained partnered with SGT Colvin during this time and did not recall any other officers joining them. PO Marron was shown the SPRINT and Stop, Question, and Frisk Report generated for this incident and shown a photo of [REDACTED] and provided details surrounding the incident. PO Marron did not recall any involvement in the incident. PO Marron noted that the command is separated into two Impact zones—one on the west side and the other on the east. PO Marron was working in the zone to the west, and the parameters of his assignment restricted his patrol to that zone. All of the events related to this incident occurred in the Impact zone to the east.

Interview Details

Witness Officer: PO SCOTT SMATH

- *PO Smath is a [REDACTED]-year-old white male, who stands 5'10", weighs 240 lbs., has brown hair and blue eyes, and has tattoos on his left bicep.*
- *On April 2, 2012, PO Smath worked from 1:30 p.m. to 10:05 p.m. and was assigned as a sergeant's operator. PO Smath was partnered with SGT Kevin Beslity, dressed in uniform, and assigned marked patrol van # [REDACTED]*

Memo Book

At 4:50 p.m., there was a radio run for a 10-32 (larceny in progress) at [REDACTED]. At 5:10 p.m., PO Smath responded to [REDACTED]. There was one make suspect: a Hispanic male wearing a green hat and black leather jacket was detained. The victim of the robbery confirmed that the detained male was the perpetrator. The man was arrested. At 5:35 p.m., PO Smath responded to the 75th Precinct stationhouse with one male prisoner and PO William Schumacher.

CCRB Statement

On June 28, 2012, PO Smath was interviewed at the CCRB. On April 2, 2012, at approximately 4:50 p.m., there was a radio run for a larceny in progress committed by a Hispanic male wearing a green hat and a black leather jacket. At approximately 5:10 p.m., at [REDACTED], PO Smath saw a Hispanic male wearing a green hat and a black leather jacket. PO Smath stopped the van and stepped out of the driver seat. SGT Beslity stepped out as well. The man, identified by the investigation as [REDACTED], attempted to flee but only made it a few houses down the street before PO Smath was able to stop him. PO Smath did not recall seeing anyone with [REDACTED] nor did he see another individual who he believed may have been a suspect of the robbery aside from this individual. PO Smath handcuffed [REDACTED]. Sometime later, PO Smath did not recall how long, another unit, PO Smath did not recall who the officers were, responded with the victim of the robbery for a show-up. The officers confirmed over their radios that the show-up was positive. At this point, [REDACTED] was under arrest for the robbery. PO Smath never spoke to the victim of the robbery and no other show-ups were conducted. During this time a couple of other units responded. PO Smath loaded [REDACTED] into his van and went back to the 75th Precinct stationhouse with the officer who took the arrest, identified by the investigation as PO Schumacher.

PO Smath never went near [REDACTED] and was never apart from [REDACTED] from the point he stopped him until he transported him. PO Smath did not recall where SGT Beslity was or what he was doing during this time period. Despite being shown the SPRINT, the UF-61 Complaint Report, and the Stop, Question, and Frisk Report, PO Smath did not recall the larceny involved two suspects nor did he recall any entry at [REDACTED] or any police activity in that building related to this incident. PO Smath was also shown a photo of [REDACTED] and provided additional details surrounding the incident, but he still did not recall anything further.

Interview Details

Witness Officer: SGT KEVIN BESLITY

- *SGT Beslity is a [REDACTED] year-old white male, who stands 6'00", weighs 240 lbs., and has black hair and brown eyes.*
- *On April 2, 2012, SGT Beslity worked from 1:15 p.m. to 11:12 p.m. and was assigned as a 75th Precinct Impact supervisor. SGT Beslity was partnered with PO Scott Smath and PO Frederick Manney, dressed in uniform, and assigned marked patrol van # [REDACTED]*

Memo Book

At 4:50 p.m., there was a radio run for a 10-32 (larceny in progress) at [REDACTED]. At 5:10 p.m., SGT Beslity responded to [REDACTED]. There were two males fitting the description for the 10-32 job. A vertical patrol was conducted at [REDACTED] after one male fled into the building. On the 2nd floor, they lost track of the suspect (male Hispanic, black leather jacket, thin build). At 5:25 p.m., an individual was arrested by the officer assigned to foot post #47. At 5:35 p.m., SGT Beslity returned to the 75th Precinct stationhouse. At 6:20 p.m., SGT Beslity resumed patrol.

CCRB Statement

On July 2, 2013, SGT Beslity was interviewed at the CCRB. On April 2, 2012, PO Smath was driving, SGT Beslity was seated in the front passenger seat, and PO Manney was seated behind them. After a radio run for a 10-32, which consisted of a robbery of two victims, with one punched in the face. One of the perpetrators stated that he had a firearm in his jacket. Property was stolen. The radio run also included physical descriptions of both suspects, but SGT Beslity did not recall what they were.

At [REDACTED] (possibly [REDACTED])—SGT Beslity noted that he was having difficulty reading the handwriting in his memo book), SGT Beslity observed two men who appeared to fit the descriptions relayed over the radio. One individual had his back turned toward the van and the other was facing it. The man who was facing the van, identified by the investigation as [REDACTED], made eye contact with SGT Beslity, then said something to the man beside him, then looked back at SGT Beslity, and the other man began running.

SGT Beslity and PO Manney stepped out of the van and pursued the fleeing suspect. SGT Beslity left his radio in the van. SGT Beslity gave chase at a distance of approximately 30 to 40 yards, with PO Manney some distance ahead of him but behind the suspect. The suspect fled into [REDACTED] or [REDACTED]. (At this time, SGT Beslity was informed that statements obtained by the investigation and NYPD documentation provided the location of this activity as [REDACTED]. SGT Beslity acknowledged that it was possible that his handwriting spelled [REDACTED] and acknowledged that [REDACTED] was likely the location he was describing.) SGT Beslity followed the suspect and PO Manney into the building, which was approximately five to six stories tall. At this time, SGT Beslity did not see any other officers in the area pursuing this suspect aside from himself and PO Manney. SGT Beslity believed that PO Smath had stayed behind to deal with the other suspect but he was not sure at this time if that was the case.

SGT Beslity found PO Manney waiting for him on the second floor of the building, where he had lost track of the suspect. Together, they went to the roof and inspected it, then walked back down the stairs. On one of the floors, SGT Beslity did not recall which, he and PO Manney encountered PO William Schumacher and PO Hassan Raza with an individual, identified by the investigation as [REDACTED] in handcuffs. They were leading him down the stairs. SGT Beslity believed that [REDACTED] appeared to fit the description of one of the suspects, but he could not be sure if [REDACTED] was the same individual he had chased because he only saw the fleeing suspect from behind. SGT Beslity did not witness the handcuffing of [REDACTED] nor was he told anything about his apprehension or an entry into an apartment. SGT Beslity never made physical contact with [REDACTED] nor did he ever enter an apartment inside the building or see an officer enter an apartment. SGT Beslity, PO Manney, PO Schumacher, and PO Raza were the only officers inside the building, but additional officers were gathered outside, including PO Smath, who had [REDACTED] detained outside across the street from the building. SGT Beslity observed no injuries to [REDACTED] and he never saw an officer punch [REDACTED] in his face. A patrol sector unit, SGT Beslity did not recall what officers were in the vehicle, drove past with the victims of the robbery inside for a show-up. The results were positive for [REDACTED] and negative for [REDACTED]. SGT Beslity directed that a Stop, Question, and Frisk Report be prepared for [REDACTED] and that he be released immediately. SGT Beslity attempted to explain the reason for the detainment to [REDACTED] but [REDACTED] was highly irate. [REDACTED] was cursing and threatening to sue the police officers. SGT Beslity never heard [REDACTED] mention an entry into his apartment. [REDACTED] was then removed to the 75th Precinct stationhouse under arrest.

Interview Details

Witness Officer: PO FREDERICK MANNEY

- *PO Manney is a [REDACTED]-year-old white male, who stands 6'0", weighs 190 lbs., and has brown hair and green eyes.*
- *On April 2, 2012, PO Manney worked from 10:00 a.m. to 10:35 p.m. and, along with PO Scott Smath, was assigned as SGT Kevin Beslity's operator. PO Manney was dressed in uniform and assigned marked patrol van # [REDACTED]*

Memo Book

At 4:50 p.m., there was a radio run for 10-32 at [REDACTED] At 5:10 p.m., PO Manney responded to [REDACTED]. Upon arriving at [REDACTED], one male who fit a description was stopped. A second male fitting a description threw a cell phone into a trash can and ran into [REDACTED]. Upon entering [REDACTED] PO Manney heard a door on the third floor close. PO Manney waited for back-up. SGT Beslity knocked on two doors on the third floor but no one answered. PO Manney and SGT Beslity left [REDACTED]

CCRB Statement

On August 8, 2013, PO Manney was interviewed at the CCRB. On April 2, 2012, PO Manney and PO Smath were assigned to Impact patrol in a marked van with SGT Beslity. PO Smath was driving, SGT Beslity was seated in the front passenger seat, and PO Manney was seated behind them. At approximately 4:50 p.m., while on routine patrol, they heard a radio transmission from PO William Schumacher for a pick-up job of a larceny on [REDACTED]. The radio transmission included two physical descriptions of suspects, a description of the stolen property, and a direction of flight. At the time of his interview, PO Manney only recalled that one suspect was described as a male wearing a green hat and a black jacket and the other suspect was described as a male. The stolen property included a cell phone and possibly other belongings. PO Manney did not recall the direction of flight, but after approximately twenty minutes, they ended up on [REDACTED] (PO Manney acknowledged that his memo book entries incorrectly noted [REDACTED]). During the twenty minutes, PO Manney did not recall hearing any additional radio transmissions with new information.

At [REDACTED], PO Manney observed a Hispanic male with a light complexion, who had a thin build, medium length hair, and was dressed in "all gray" clothing at a distance of 20 to 25 feet. PO Manney recalled that he believed this individual fit the second physical description. PO Manney then suggested that the physical description he did not recall matched this person's appearance, but clarified that he was not stating that he independently recalled the specifics of the second physical description that PO Schumacher originally provided, only that he did recall believing that this individual fit it at the time of the incident. PO Manney and this individual made eye contact for a few seconds. PO Manney opened the door of the marked van. The individual then threw what was visibly identifiable as a cell phone into a trash can and began running. PO Manney gave chase, at a distance of approximately 20 to 25 feet. SGT Beslity gave chase as well, trailing some distance behind PO Manney and the suspect. PO Manney was unaware of what PO Smath did at this moment. PO Manney shouted, "Stop. Police. Don't move." The suspect fled approximately 25-30 feet into [REDACTED]. Once the suspect fled inside, PO Manney lost sight of him.

PO Manney entered the building and saw only one stairwell. PO Manney heard the suspect running up the stairs and ran up behind him. When PO Manney reached the second floor, he heard the suspect running on the third floor followed by the shutting of a door somewhere behind his field of vision (the hallways are shaped in an "L" and the sound emanated from the half of the hallway that extended behind the direction PO Manney faced as he heard the sound from the second floor), and then silence. PO Manney stopped there to wait for SGT Beslity to catch up before proceeding. PO Manney did not use his radio. SGT Beslity caught up after one to two minutes. PO Manney told SGT Beslity that heard a door shut on the third floor and informed SGT Beslity of the region where the sound came from. PO Manney told SGT Beslity that he was almost certain that the suspect fled into an apartment.

PO Manney and SGT Beslity went upstairs to the third floor and PO Manney led SGT Beslity to the region where he believed the sound of the door shutting originated. There were two apartment doors in this section of the hallway. PO Manney did not recall what markings, if any, were on the doors. (PO Manney was unaware that each apartment in the building has two entrance points and this was his first time inside the building.) SGT Beslity knocked on both doors. PO Manney and SGT Beslity said nothing and they heard nothing. No other officers were inside the building as far as PO Manney knew at this time. After waiting approximately five minutes, PO Manney and SGT Beslity went to the building's roof to make sure that the suspect had not fled via the roof. The roof was clear. PO Manney and SGT Beslity went downstairs and outside without stopping on the third floor

Interview Details

again. On the way down, PO Manney saw no other officers inside the building. During their time in the building, neither PO Manney nor SGT Beslity used their radios to relay information or request assistance.

Outside, PO Manney saw that PO Smath had another individual, identified by the investigation as [REDACTED], stopped and in handcuffs. A patrol car pulled up containing the victims of the crime and a positive show-up was conducted in regard to [REDACTED]. PO Manney did not recall what officers were in this patrol car, nor did he recall interacting with the victims of the crime at this point. PO Manney was informed that [REDACTED] was with the suspect he chased, but PO Manney did not recall noticing [REDACTED] at the moment that he became concerned with the suspect who fled the intersection.

PO Schumacher and PO Hassan Raza then exited [REDACTED] with an individual in custody, identified by the investigation as [REDACTED]. PO Manney did not see or know where PO Schumacher and PO Raza had come from or how or when they entered the building. PO Manney's first awareness of their presence was their exit from the building with [REDACTED]. PO Manney had never communicated his earlier activity—chasing a fleeing suspect into the building—to PO Schumacher and PO Raza and he did not know how they were aware of it. PO Manney did believe that they were somehow aware, possibly from talking to PO Smath outside, because he did not know how they would have known that a second suspect was possibly inside the building. PO Manney did not speak with PO Schumacher or PO Raza or learn how they apprehended [REDACTED] nor did he witness any aspect of it. PO Manney described [REDACTED] as a black male with a light complexion who was wearing a white tee shirt. Upon seeing him in custody, PO Manney did not believe that [REDACTED] was the individual he had chased into the building. PO Manney had never seen [REDACTED] prior to this point. PO Manney did not recall if he spoke to [REDACTED] and he did not see visible injuries to him. The show-up for [REDACTED] yielded negative results. PO Manney was never informed by any officer how [REDACTED] was apprehended and he was unaware of any entry taking place inside [REDACTED]. PO Manney never drew his firearm and pointed it at a civilian nor did he see another officer do so during this incident. PO Manney was not certain if the second suspect of this crime was ever apprehended.



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Eric Gonzalez
District Attorney

[INSERT NAME]
Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: [INSERT CASE NAME]
Kings County Dkt./Ind. No. [#####]

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: WILLIAM SCHUMACHER

MOS TAX: [REDACTED]

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

Disclosure # 1:

MOS SCHUMACHER WAS FOUND GUILTY AFTER DEPARTMENTAL TRIAL OF THE FOLLOWING NYPD DEPARTMENTAL CHARGES AND SPECIFICATIONS:

1. MOS SCHUMACHER, ON OR ABOUT APRIL 2, 2012, AT APPROXIMATELY 1700 HOURS, WHILE ASSIGNED TO THE 75TH PRECINCT AND ON DUTY IN THE VICINITY OF LINCOLN AVENUE, KINGS COUNTY, WRONGFULLY USED FORCE IN THAT HE PUNCHED A PERSON KNOWN TO NYPD IN THE FACE.

CASE STATUS: CLOSED ON 06/27/2016

ACTION TAKEN: FORFEITURE OF TEN (10) VACATION DAYS

Disclosure # 2:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 09/14/12, AGAINST MOS SCHUMACHER:

1. MEMOBOOK INCOMPLETE

CASE STATUS: CLOSED ON 02/18/2013

ACTION TAKEN: SCHEDULE B COMMAND DISCIPLINE

Disclosure # 3:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 03/21/13, AGAINST MOS SCHUMACHER:

1. DEPARTMENT RULES & VIOLATIONS – COURT NON-APPEARANCE

CASE STATUS: CLOSED ON 03/21/2013

ACTION TAKEN: SCHEDULE B COMMAND DISCIPLINE

Disclosure # 4:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 05/18/18, AGAINST MOS SCHUMACHER:

1. FAIL TO SAFEGUARD DEPARTMENT EQUIPMENT - ACTIVITY LOG

CASE STATUS: CLOSED ON 04/15/2019

Disclosure # 5:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 05/18/18, AGAINST MOS SCHUMACHER:

1. FAIL TO SAFEGUARD DEPARTMENT EQUIPMENT - BODY WORN CAMERA

CASE STATUS: CLOSED ON 10/22/2019

ACTION TAKEN: SCHEDULE A COMMAND DISCIPLINE

Disclosure # 6:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 09/02/19, AGAINST MOS SCHUMACHER:
1. FAIL TO SAFEGUARD DEPT EQUIPMENT - BODY WORN CAMERA
CLOSED DATE : 2019-10-22
ACTION TAKEN : SCHEDULE A COMMAND DISCIPLINE

Disclosure # 7:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 4/27/20, AGAINST MOS SCHUMACHER:
1. OFF DUTY INCIDENT (NOT DOMESTIC) - UNAUTHORIZED EMPLOYMENT
CLOSED DATE : 2020-09-21
ACTION TAKEN : SCHEDULE B COMMAND DISCIPLINE

Disclosure # 8:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 11/5/20, AGAINST MOS SCHUMACHER:
1. OTHER DEPT RULES/PROCEDURES VIOLATION - FAILURE TO WEAR PROPER PPE
CLOSED DATE : 2020-12-11
ACTION TAKEN : VERBAL INSTRUCTIONS

Disclosure # 9:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 12/16/20, AGAINST MOS SCHUMACHER:
1. FAIL TO SAFEGUARD DEPT EQUIPMENT - ACTIVITY LOG
2. MISSING DEPARTMENT EQUIPMENT - ACTIVITY LOG
CLOSED DATE : 2021-01-19

Disclosure # 10:

THE PEOPLE ARE AWARE OF THE FOLLOWING FEDERAL CIVIL RIGHTS ACTION(S) AND/OR STATE TORT CIVIL LAWSUIT(S) IN WHICH THE INDICATED OFFICER HAS BEEN NAMED AS AN INDIVIDUAL DEFENDANT. NOTE, THE DISPOSITION INFORMATION MAY NOT BE CURRENT:

PLAINTIFF	DOCKET	COURT	FILED	DISPOSED	DISPOSITION
Justin Mcclarin	16-CV-6846	E.D.N.Y.	12-12-16		Pending, defendants filed motion for summary judgment
Levon Walker	17-CV-2508	E.D.N.Y.	4-26-17	11-17-17	Settlement, without admission of fault or liability
Levon Walker	501846/2017	Kings Cty. Sup. Ct.	1-18-17	4-26-17	Removed to E.D.N.Y., <u>see</u> 17-CV-2508
Kevin Duncan	502337/2017	Kings Cty. Sup. Ct.	2-4-17	8-24-18	Settlement
Terrence Zeigler	17-CV-4639	E.D.N.Y.	8-8-17	3-13-19	Voluntarily dismissed with prejudice by plaintiff pursuant to Fed. R. Civ. P. 41(a)(2) without fees or costs.
Terrence Zeigler	17-CV-4944	E.D.N.Y.	6-29-17	8-8-17	Transferred to E.D.N.Y. as 17-CV-4639
Christopher Ford	525100/2017	Kings Cty. Sup. Ct.	12-30-17		Pending
Bienvenido Beltre	006146/2013	Kings Cty. Sup. Ct.	4-12-13	11-28-17	Settlement
Bienvenido Beltre	006147/2013	Kings Cty. Sup. Ct.	4-12-13	11-28-17	Settlement
Kiama Faltine	14-CV-3263	E.D.N.Y	5-27-14	3-23-15	Settlement, without

					admission of fault or liability
Patricia Faltine	13-CV-6106	E.D.N.Y.	11-4-13	5-20-14	Settlement, without admission of fault or liability
Ruben Vega	15-CV-2598	E.D.N.Y.	5-14-15	11-23-15	Settlement, without admission of fault or liability
Kenneth Bacchus	15-CV-4264	E.D.N.Y.	7-21-15	6-20-17	Settlement, without admission of fault or liability
Tyriek Fortune	12-CV-4225	E.D.N.Y.	8-23-12	2-28-13	Settlement, without admission of fault or liability
Antonio Rivers, et al.	12-CV-3727	E.D.N.Y.	7-27-12	2-5-13	Settlement, without admission of fault or liability

BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH FEBRUARY 10, 2021, THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AGAINST THIS OFFICER:

Disclosure # 11:

CCRB CASE: 201204235

REPORT DATE: 04/02/2012

INCIDENT DATE: 04/02/2012

CCRB SUBSTANTIATED ALLEGATION(S):

1. FORCE - PHYSICAL FORCE
2. ABUSE - PREMISES ENTERED AND/OR SEARCHED

NYPD DISPOSITION: #1. APU: GUILTY, AND PENALTY – FORFEIT 10 VACATION DAYS. #2. NOT GUILTY, NO PENALTY.

OTHER MISCONDUCT NOTED:

1. OTHER MISCONDUCT - OTHER

Disclosure # 12:

CCRB CASE: 201401512

REPORT DATE: 02/14/2014




Disclosure # 13:

CCRB CASE: 201506191

REPORT DATE: 07/27/2015

INCIDENT DATE: 07/15/2015

CCRB SUBSTANTIATED ALLEGATION(S):

1. DISCOURTESY – WORD

NYPD DISPOSITION: NO DISCIPLINARY ACTION-DUP, AND NO PENALTY

Disclosure # 14:

CCRB CASE: 201510169

REPORT DATE: 11/28/2015

INCIDENT DATE: 11/28/2015

OTHER MISCONDUCT NOTED:

1. OTHER MISCONDUCT NOTED - FAILURE TO PREPARE A MEMO BOOK ENTRY

2. OTHER MISCONDUCT NOTED - FAILURE TO PRODUCE STOP AND FRISK REPORT
NYPD DISPOSITION #1 AND #2 – FORMALIZED TRAINING

Disclosure # 15: (PENDING)

CCRB CASE: 201907678

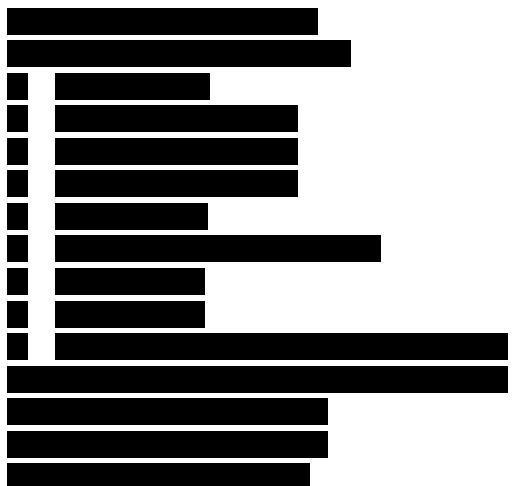
REPORT DATE: 08/28/2019



Disclosure # 16: (PENDING)

CCRB CASE: 201907780

REPORT DATE: 09/03/2019



Disclosure # 17: (PENDING)

CCRB CASE: 202003119

REPORT DATE: 05/07/2020



Disclosure # 18: (PENDING)

CCRB CASE: 202007518

REPORT DATE: 11/13/2020



Eric Gonzalez
District Attorney
Kings County